



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

### Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

### About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>





~~11~~, 1  
 C  
 Fairchild

יהוה



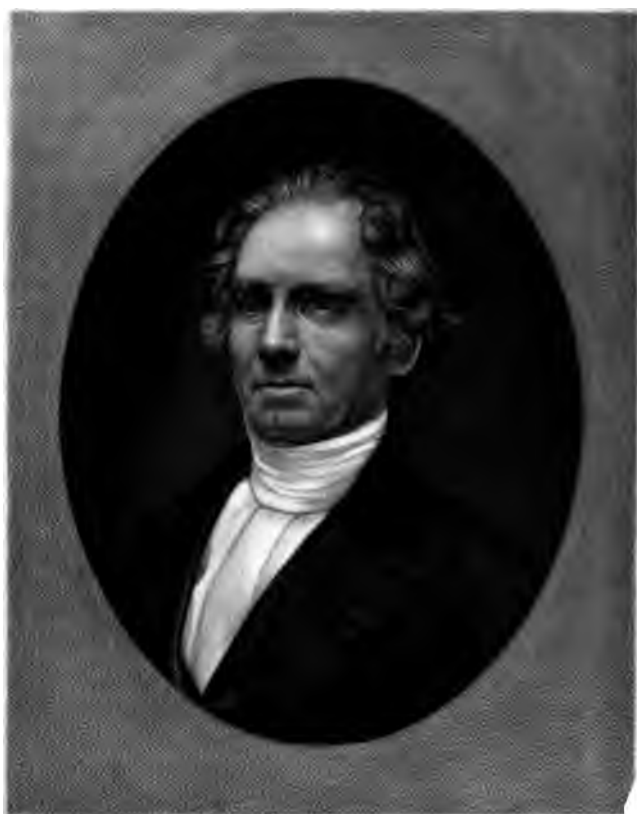
For the Library of the Theological Seminary at  
Andover, from the Author.











Ernest Ingham '91

Portrait of John A. Fairchild

J A Fairchild

1891

OF MICHIGAN. THE PROCEEDINGS

OF THE

HOUSE OF REPRESENTATIVES

IN THE YEAR 1857.

BY J. W. LUCAS, CLERK OF THE HOUSE.

ANN ARBOR:

W. H. RAY, PRINTER.

PRINTED FOR THE HOUSE OF REPRESENTATIVES.

1857.



White

REMARKABLE INCIDENTS

IN THE

LIFE OF REV. J. H. FAIRCHILD,

PASTOR OF PAYSON CHURCH, SOUTH BOSTON.

COMPILED, PUBLISHED, AND SOLD BY HIMSELF.

WITH A PORTRAIT.

---

"PERSECUTED, BUT NOT FORSAKEN."

---

FIFTH THOUSAND.

BOSTON:

PRINTED FOR THE AUTHOR.

1857.

Entered according to Act of Congress, in the year 1856, by  
JOY H. FAIRCHILD,  
In the Clerk's Office of the District Court of the District of Massachusetts.

CAMBRIDGE :  
ALLEN AND FARNHAM, STEREOTYPERS AND PRINTERS.

**DEDICATION.**

---

**THIS VOLUME,**

**"STRANGER THAN FICTION,"**

**IS RESPECTFULLY DEDICATED**

**TO ALL WHO LOVE THE EXHIBITION OF PLAIN TRUTH AND THE  
EXPOSURE OF ARTFUL DUPLICITY.**

**IN THIS COMPREHENSIVE CLASS OF PATRONS,**

**THE AUTHOR**

**PRESUMES TO INCLUDE ALL CIVIL AND ECCLESIASTICAL JUDICATORIES,  
ALL CHRISTIAN CHURCHES, AND ALL MINISTERIAL SOCIETIES,**

**THE SUFFOLK SOUTH ASSOCIATION**

**ALONE EXCEPTED.**

## PREFACE TO THE FOURTH EDITION.

IN issuing this fourth edition, of a thousand each, I have only to renew my expressions of gratitude to those friends and patrons who have purchased the work, and to the many editors of political and religious papers who have so kindly noticed it. The sympathy which its sad disclosures have so generally excited in the public mind, greatly rejoices my heart, and tends much to reconcile me to the sufferings and losses which it has been my lot to endure.

However painful it may be to every good man that there should have been occasion for publishing such a book, yet I am not aware that any good man, after having carefully perused it, is disposed to censure me for its publication. I will here quote a single sentence from the 430th page of the book: "Should any one think that I have not stated his case fairly, or that I have wronged him by saying that which is not true, let him inform me wherein, and give me the proof, and I will most cheerfully, and with all due haste, make the required correction." But I have received no such information, notwithstanding I have uniformly given names and dates in my book, thus rendering it a very easy matter for those interested to demand of me the promised correction. But no such demand has been made, nor have I received an intimation that my statements are not true.

As to my church edifice now in the process of erection, I can only say I am making strenuous efforts to obtain the funds requisite for its completion, and which I hope to accomplish during the present year.

J. H. FAIRCHILD.

SOUTH BOSTON, January, 1857.

(iv)

## PREFACE

TO THE FIFTH EDITION.

---

As many gentlemen residing in different parts of the country have written letters to me expressing very freely and fully their views of my book, perhaps I cannot perform a service more interesting to my readers, or more beneficial to myself, than to insert in the preface of this fifth edition extracts from several of these letters. The opinion of the press may be found in the appendix. The following extracts express the opinion of gentlemen of great respectability, and occupying the most important stations in the community. As they were *private* communications, the propriety of withholding the names of the writers must be obvious to every one.

One of the most respectable doctors in divinity in Connecticut writes: "I have read your book with painful interest. It has filled me with astonishment. I do not remember to have ever known of another case of so cruel and persistent persecution in a protestant community. I wonder that you have survived it. Our severest trials are the wrongs we suffer at the hands of our fellow men, and especially of those who are, or are reputed to be, the people of God."

A doctor in divinity from Hampden county writes: "It was fitting that you should come before the public with the facts in relation to your case, when your enemies had conjured up and spread out before that same public such extraordinary circumstances to accomplish your ruin. I sincerely hope that your book will dispel the prejudices against you which many have imbibed, as I am sure it will gratify your friends, and strengthen them in their conviction of your innocence in relation to the crimes alleged against you."

The following extract I take from a letter written by a clergyman in Middlesex county, and who, after reading the book, proposed for

the first time an exchange of pulpits with me: "I have just finished reading your book; and certainly it is a most remarkable verification of the adage, that 'truth is stranger than fiction.' I doubt whether the annals of mankind furnish so remarkable a case of groundless and apparently malignant hate and persecution persisted in by Christian ministers through a decade of years, notwithstanding every remonstrance by yourself and by multitudes of clergymen as intelligent as themselves. 'Lord, what is man!' And yet, strange to say, you have triumphed over all. As I suppose we have now reached the *finale* of this unhappy affair, I wish some one who understands the whole subject, who has had no participation in it, and who wields a pen of justice and of keenness, would ably and thoroughly *review the whole case*, and thus send it down, as it should be, to the final adjudication of posterity."

A clergyman from Providence writes: "I have read your book with a trembling interest, and with a sorrowful yet inexpressible indignation against the *monster* who has been the criminal occasion of such a publication. The ecclesiastical and political history of New England has been, all my days, next to the instructions of the Scriptures, the subject of my constant and prayerful study. Yet no portion of this history, in my honest judgment, is more worthy of the serious and practical consideration of the people of New England *at this day*, than the transactions and statements which are exhibited in your volume. The obligation implied in your dedication warrants and demands the declaration which I offer you, without any solicitation or personal affection or interest in your behalf. I have learned something of the wisdom and kindness of the Lord Jesus Christ in his caution to his disciples, 'Beware of men.' Nor do I wonder that the Apostle closes his climax of perils with these words, 'In perils among false brethren.'"

An Episcopal clergyman in Worcester county, a stranger to me, and who confesses that through the indirect influence of Dr. Adams he had been made to believe me guilty, writes: "Although a perfect stranger to you, yet I have often seen your name and case referred to in the public prints. Still I have read but a small portion of what I have seen, supposing that my time could be better occupied. From what I did read, however, and the frequent comments I heard respecting your affairs, I came to the conclusion that you were a guilty man, and had been justly dealt with by the ecclesiastical authority of your denomination. But since reading your book, my opinion is entirely

changed in relation to the whole matter. The fact to my mind is made clear as the noonday that you are not only an innocent man, but that you have been most unjustly and cruelly dealt with, and that, too, by those who ought to have been your friends, and stood by you to the last. I have no words at my command with which to describe the conduct of Dr. Adams; and it is with me a matter of perfect astonishment that he should have been sustained or countenanced by any portion of the community. But, my dear sir, Divine Providence will ultimately set this matter right. The time will come, if it has not already, when the community will not fail to do ample justice to you and to *him*. How you have lived amidst all this strife and persecution is a perfect mystery to me. I often thought, while reading your book, that the hundredth part of what you passed through would have crushed me beneath its ponderous weight. Surely the grace of God alone is sufficient for these things."

A clergyman from Bristol county writes: "The whole process, from the strange proceedings of the Exeter Council to the decision of the referees, with the exception of the action of the court and your trial by jury, has filled me with wonder, amazement, and indignation. I have felt at times, that, if my character were at stake, a council of ministers would be the tribunal from which I should shrink above all others. Strange that men making the highest claims to the principles of mercy, charity, and justice, should often so conduct themselves, and so treat the accused as to appear the most destitute of either mercy, charity, or justice of almost any other class of men. Thanks be to God, all who lay claim to be ministers of Christ are not thus. Your biography proves the adage true, "Truth is stranger than fiction." For what fiction ever unfolded a conspiracy on the part of good men, so deep laid and so persevered in, to destroy character and deprive of privilege and right, as is unfolded in your book? If it did not present professedly good men in so unfavorable a light, it would be well that you published it; and *it is well as it is*. It was clearly your duty to give it to the world."

Another clergyman residing in Bristol county writes: "Though I have been apprised of the principal incidents in your case, they were in such scattered and distant fragments that the injustice of your enemies did not appear so striking and palpable as in your book. I think it was called for, and will do good."

A clergyman from Hanover, N. H., writes: "I have read and reread your book with the greatest interest, and will say, that, while I

greatly mourn the necessity of its publication, yet I believe justice to yourself and family and the church of Christ demanded it. We have indeed fallen upon *strange* times. It is lamentable to see the sad — *sad* revelations that are being made of the most consummate hypocrisy in the church.”

Another clergyman from Hanover writes: “My sympathies have been with you from the first; they are so now. And my convictions are that you have been greatly wronged. I have read your book through, and am confirmed in my former impressions.”

A clergyman from Rockingham county, N. H., writes: “From reading the minutes of your trial at Exeter, and from personal interviews with members of that council who voted with the majority, I was strongly impressed with the belief that you were a deeply injured man. I subsequently read your defence, and was present at your judicial trial in Boston, — heard the testimony and the arguments on both sides, and have not, to this day, been able to take any other view of your case than what was so pertinently and graphically expressed by Dr. Burgess before the Suffolk South Association, as recorded in your book. To have had the sympathy of such men as Dr. Burgess, Dr. Woods, Dr. Codman, and Dr. French must have been to you very precious support. I was deeply interested in your case with Dr. Adams, when brought before the court of referees, and be assured that I was greatly disappointed and deeply pained at the result; but felt at the time that I had rather be in your situation than in the situation of those who were willing to place themselves before the public with such an absurd and unrighteous decision. I must believe that it is a false charity that would characterize the doings of that board of referees and a portion of the Suffolk South Association otherwise than wicked and perfidious. It is truly humiliating and painful to witness such sophistry, deception, and malice, where we ought to look for the best specimens of frankness, honesty, and truthfulness.”

A clergyman from Essex county writes: “I have aided in the circulation of several copies of your work, and quite a number of our people have read it. There is but one opinion among them with regard to your *perfect innocence*, and Dr. A.’s guilt as a *remorseless persecutor*.”

Another clergyman writes: “Your chief opponent was my classmate. And whatever others may say of his taste, his talents, or his piety, I pronounce him destitute of one manly or generous impulse;

and I am man enough to say, *I am ashamed of him*. Your volume is not wasted. I will pass it to my brethren. Their minds shall be disabused as well as mine."

An ex-governor of one of the New England States writes: "Your trials and difficulties have been not only remarkable, but almost beyond belief. The conduct of your clerical persecutors is almost enough to stagger the belief of any one in the utility, if not honesty, of clerical associations. What man, let me ask, who has a soul to save or a fair character to sustain, with the knowledge of the facts which you have thrown before the public, can patiently, or *at all*, sit under the preaching or teaching of the Rev. — Oh, no! not *reverend*, but *vindictive Adams*? For myself, I would rather stand convicted of all you have been charged with by your vindictive enemy, than to stand as he must do in the mind of every unprejudiced person. And I rejoice to find by your last letter to the now famous Suffolk South Association that you have been aroused to a full sense of the trickery, duplicity, and unmanly proceedings of that man and his dupes. If all sense of honor and fair dealing has not been lost in that body, your letter must have brought a blush of shame to their cheeks, if not a twitch of remorse to their consciences. You have now done your duty, and may safely leave the rest to an ever-protecting Providence. The decision of the referees never should (beyond the dollars and cents) have given you a moment's uneasiness. That decision has received, and will continue to receive, the unqualified condemnation of every fair-minded man, and should teach you that wealth, before such a tribunal, is almost always an overmatch for poverty and justice."

A lawyer from Erie, Pennsylvania, writes: "The notices of the press contained in the appendix of your book abound in very flattering remarks; but none too much so. It evidently appears that some of the preachers in Boston, and especially *one*, was determined to *put you down*; but they failed, and you triumphed."

A lawyer from the State of Maine, once a senator, writes: "While your book shows that the malice of your foes still continues, it also shows that a gracious God still cares for you. I cannot sufficiently admire the conduct of good old Dr. Woods. How constantly he stood by you, even unto the end! And what a contrast to the conduct of others under greater obligations to give you their friendship after your acquittal. I think your book will be extensively read, and

give great satisfaction to your friends, and hold up your foes to the scorn of all good men."

A physician from Salem writes: "I must say, that, although the incidents of the last ten years of your life were pretty well known to me already, yet I was hardly prepared for the horrors of persecution which blacken almost every page of the narrative. I congratulate you, sir, on the triumph you have achieved."

A gentleman from Concord, N. H., with whom I have no acquaintance, writes: "Whenever I see any thing of Dr. Adams, or even think of him, my sense of disgust is too strong for me to venture to commit it to paper. I am filled with amazement that such a man is suffered to preach, even in Boston."

A gentleman from West Roxbury, whom I know only by his signature, writes: "I cannot find language strong enough to express my abhorrence of the atrocious wickedness of Dr. Adams. Why, sir, if you were guilty of every crime which his malignant insinuations charge you with, you would still be, in comparison with him, as pure as a virgin."

A gentleman from Springfield writes: "I have just finished reading your book, and I assure you that in a life of near seventy years I have never heard of a case of such *unremitting, deadly* persecution. In the notices of the press contained in the appendix, which were taken from the most respectable journals, there are expressions more severe than I ever before read, and yet not more denunciatory than the occasion made highly proper. And I will frankly say that I would not, for all the wealth of California, have those epithets applied to me."

These extracts are only a portion of what is contained in other letters of like import. And I publish them, not for the purpose of boasting, but as an expression of my heartfelt gratitude to those gentlemen who have written so kindly, and also to my Master in Heaven for raising me up so many and such valuable friends in my time of need.

Perhaps I ought in justice here to state, that neither Dr. Adams nor any of the gentlemen so severely censured in the preceding extracts have expressed to me the least regret for the unkind and unchristian course they have pursued in relation to my case.

J. H. FAIRCHILD.

SOUTH BOSTON, August, 1857.

Several notices of the book have appeared since the issue of my fourth edition. I subjoin the following :—

FOURTH EDITION.—“The book of remarkable Incidents in the Life of Rev. Joy H. Fairchild has reached its fourth edition, and we are not surprised at the call for it by the public ; for a more astonishing development of unchristian persecution never was given to the world, if the book be true, and that it is true is very generally admitted. Mr. Fairchild makes no statements that are not supported by facts, and he leads one to form very unfavorable opinions of certain doctors of divinity that we should not esteem ourselves safe to follow. Judged by a spiritual standard, they do not seem to be on a very excellent road, and we tremble lest they be found among the blind guides. Mr. Fairchild shows up his persecutors, and seems to have as little remorse in laying them out as King David did his enemies. His exception of the Suffolk South Association from his dedication is a palpable hit. It is a curious and interesting book, and we do not wonder at its extensive sale.” — *Evening Gazette*.

“Mr. Fairchild has appealed to ecclesiastical councils, and to the laws and courts of his country. Of the first we have no very high opinion. The men who compose them are not generally fitted, by education or knowledge of the common affairs of life, to make them competent judges in a case like Mr. Fairchild's, and may very easily be led astray. They might try his theology, and by the catechism and declarations of faith tell whether he was orthodox or not ; but we would give more for the decision of any dozen men from the common herd of mortals upon his guilt or innocence of adultery. The jury upon their oath in the court house, said he was innocent ; and they said so, not by any technicalities of law, but upon the evidence ; and, therefore, mankind are bound to call him innocent, whatever Rev. Dr. Adams and “the deacons” may affirm.

“Men will entertain different opinions upon such a matter ; and the fact that he was a clergyman was none in favor of him with the populace ; but, at the same time, very many eminent clergymen and strictly religious newspapers have stood by him, declaring with the *Congregational Journal*, that ‘he has been made the victim of a suffering, the like of which is not found in the annals of clerical wrongs in this Protestant land.’

“The reason of our calling attention to this subject now is, that Mr. Fairchild, who was once sufficiently popular in this place to receive a call to settle over the Federal Street Church, and who has since his troubles led a blameless life, is now in the city selling his work.” — *Newburyport Herald*.

“This is a volume filled with interest, and throws much light on human nature, even when partially sanctified. Dr. Adams and the ‘two deacons,’ with some others, are shown up in a most unenviable light. How they could take so much time and trouble to persecute

even a guilty man is beyond our sagacity to solve. Mr. Fairchild was honorably acquitted by a jury, and that, too, after the most iniquitous attempts were made to secure his conviction. The fact of his being thus acquitted by a jury, not on technical grounds, but upon the merits of the case, should have silenced his enemies, let their own private convictions have been what they might. And then, too, after trial, it seems Mr. Fairchild was installed over his church by as respectable a council as often convenes. Dr. Woods, of Andover, preached the sermon. Many of the most respectable clergymen in the State have, since the trial, invited Mr. F. to their fellowship. We think the unchristian and pitiless conduct of his enemies excites sympathy and interest in his behalf. We recommend the book to those who have been prejudiced against the author, for we think that he has already too much suffered an adverse public opinion."—*Herald of Gospel Liberty.*

## CONTENTS.

---

### CHAPTER I.

My Parentage. — In the Family of Rev. Aaron Dutton. — Unite with the Church. — Enter Yale College. — Graduate in 1813. — Preceptor of Monson Academy. — Licensed to preach. — Settlement in East Hartford. — Dismission. — Installed in South Boston. — Called to Newburyport. — Call declined. — Extract from Address on the "New Doctrine of Clerical Privilege." — Remarks on paying Hush-money. — Commencement of my Troubles. — Watched by my Deacons. — Enter into a Compromise. — Money demanded of me by a former Domestic. — My Health fails. — Resign my Office, and journey to the West

Pages 1-12.

### CHAPTER II.

Return from my Journey. — Preach in Malden. — Ordination of Mr. Patton. — Invited to preach in Exeter. — Installed. — Anonymous Letters and Circular. — Two Members of my Church visit South Boston. — Their Interview with Mr. Dunham. — Investigation before Referees. — My alleged Delinquencies at East Hartford. — Deacon Vinton writes to Rev. Samuel Spring. — Mr. Spring's Letter to me. — Decision of the Referees. — The Deacons renew their Attack. — Meet the Referees again. — Papers furnished by Deacon Drake accusing me of Crime. — Testimony of Col. Vinson. — Consult Bradford Sumner, Esq. — *The Starting-Point of Dr. Adams's Opposition to me.* — My Derangement, and Attempt at Suicide. — The Suffolk South Association appoint a Committee of Investigation. — Summoned before them. — Decline going. — Indicted by the Grand-Jury. — Decide on calling a Council at Exeter . . . . . 12-28.

### CHAPTER III.

Council called. — Committee of the Association. — Their Deception. — The Council meet. — Committee drop the Mask. — Rev. Mr. Munroe's

Comments on the Doings of the Council. — Rev. Dr. Dimmick's Reply. — Deacon Drake's Interviews with Rev. Wm. H. Shailer. — Induces Mr. Shailer to visit Rhoda. — She makes a Disclosure on the Promise of Money. — Mrs. Shailer prevails on her to sign a Paper. — Comments on Mr. Shailer's Conduct. — Proceedings of the Council. — Remonstrance from the Deacons. — Copy of the Obligation to pay Rhoda fifty dollars a year for ten years . . . . . 29-43

## CHAPTER IV.

Another Attempt at Bribery. — Mr. Riddel objects to my employing a Lawyer to examine Witnesses. — His Polite Attentions to Rhoda. — Walks with her Arm in Arm. — Dr. Adams's Impressions. — His Interview with me and Mrs. Fairchild. — His cheering Words of Encouragement. — His Marblehead Letter . . . . . 43-54

## CHAPTER V.

Statement of the Doings of the Council by Rev. Drs. Dana and Dimmick. — The Correctness of their Statement denied by Rev. Messrs. Hopkins, French, Clark, and Hon. William P. Haines. — Extract from Mr. Riddel's Letter. — Journey to the White Mountains. — Kind Word from a Stranger. — Kindly treated at the Mountains. — Return by way of Saco. — Mr. Riddel's Interview with me there. — Sell my House in South Boston. — Find an Attachment levied on it. — The Trouble and Expense it gave me. — Dr. Adams's kind but deceptive Message . . . . . 55-65

## CHAPTER VI.

Publish my Pamphlet, "Iniquity Unfolded." — Association expel me. — Their false and libellous Preamble and Vote. — Dr. Burgess protests against such Injustice and Dishonesty. — My Expulsion announced in the *Daily Mail*. — Mr. Davidson tells his Story to the Association. — Mr. Riddel invites me to confront him. — Testimony of Mr. John Dodge. — Dr. Adams's Opinion of my Writings. — The Opinion of the Press. — Governor Briggs declines sending to Governor Steele for my Arrest. — Afterwards induced to send. — Governor Steele refuses. — My Interview with Mr. Walker, the Attorney-General of New Hampshire . . . . . 66-77

## CHAPTER VII.

Surrender myself for Trial. — Day for Trial appointed. — Bondsmen. — Choice of Counsel. — Trial commenced. — Jury impanelled. — George W. Bond objects. — Is retained. — Judge Washburn charges the Jury. — Their Verdict. — My Address to the Court. — Great Cheering in and out of the Court-house. — Invited by the Baptist and Methodist

## CONTENTS.

XV

Clergymen in South Boston to occupy their Pulpits with them. — Preach the first time in Saco. — Then in Exeter. — Then in Dedham — Dr. Codman's Note of Congratulation. — Notices of the Press  
77-87

## CHAPTER VIII.

Anonymous Pamphlet, familiarly called the "Deacon's Book." — Condemned by the Press. — Interview with Dr. Dana. — Testimony of forty-six Clergymen. — Organization of the Payson Church. — Opposed by Dr. Adams. — Invited by the Church to become their Pastor. — My Letter of Acceptance . . . . . 88-96.

## CHAPTER IX.

Begin my Labors. — First Sermon. — Council called to install me. — Efforts to prevent Dr. Woods from preaching the Sermon. — The Council assemble. — A Remonstrance written by Dr. Adams. — Read and laid on the Table . . . . . 97-108

## CHAPTER X.

Services of Installation. — Rev. Dr. Ely's Letter. — Reply of the Committee to the Remonstrance of Dr. Adams. — Poetry by Rev. William B. Tappan. — Dr. Adams renews his Acts of Opposition. — Refuses to recommend his Members to the Payson Church. — Dr. Woods writes him a Letter admonishing him of Duty. — Review of Dr. Adams's Remonstrance. — Dr. French's Letter to me. — Letters from Rev. Drs. Richards and Bouton. — My Letter to Dr. Dana. — His Reply. — My Letter to Dr. Storrs. — His Reply . . . . . 109-125

## CHAPTER XI.

Review of Dr. Adams's Remonstrance continued. — His Mind unchanged. — Still refuses to recommend his Members. — Reports that some Awful Disclosures are soon to come out about me. — My Reply to his Marblehead Letter . . . . . 125-131

## CHAPTER XII.

Extracts from my Letter to Dr. Adams. — Extracts from his Letter in Reply. — My brief Note to him . . . . . 131-142

## CHAPTER XIII.

Reconciliation hopeless. — Dr. Adams malicious. — Renews his Efforts to blast my Reputation. — His Letters to Mrs. Jewett. — Her Deposition.

— Meeting of Dr. Adams's Church.—His slanderous Statements.—My Note to Dr. Adams. — He refuses to open it. — His Misrepresentations to his Church. — The Statement of Col. Vinson. — Of Rev. Dr. Burgess . . . . .	143-152
--	---------

#### CHAPTER XIV.

Dr. Adams and Deacon Drake attempt to fasten on me an infamous Disease. — Dr. Hayward consulted. — His Statement. — His Interview with Rev. Messrs. Dana, Winslow, and Dwight. — Mr. Patton's Letter. — Extracts from it . . . . .	153-159
--	---------

#### CHAPTER XV.

My Committee call for the Publication of Mr. Patton's Letter. — Dr. Adams takes a part of the Letter to Dr. Hayward. — Deacon Drake's Letter to Rev. Dr. Sheldon. — "The Medical Fact." — Reply to it. — A Wonderful Disclosure. — Testimony of Rev. A. W. McClure. — Drake's Letter to Dr. Hayward . . . . .	159-171
---	---------

#### CHAPTER XVI.

Deacon Drake compels Dr. Hayward to depose. — Dr. Adams interested in the Matter. — Communication in the <i>Puritan</i> . — Interview with Rev. J. W. Alvord, Scribe of the Association. — Note to the Moderator. — My Circular to the Members requesting them to rescind their Preamble and Vote. — Meet to act on my Request. — I appear before them. — Rev. George Allen's Letter to Dr. Beecher . . . . .	171-184
---	---------

#### CHAPTER XVII.

Rev. Louis Dwight urges the Association to rescind. — Rev. Dr. Cogswell's Letter. — Remarks of Dr. Burgess . . . . .	185-189
--	---------

#### CHAPTER XVIII.

Dr. Adams not moved from his Purpose. — He reads detached Parts of Dr. Hayward's Deposition. — Falsely asserts that Dr. Hayward refused to attend on Mrs. Fairchild. — Misrepresents the Sentiments of a distinguished Lawyer. — Rev. Mr. Dwight's Testimony. — My Interview with Rev. Mr. Haven. — Interview with Mr. Webster at Marshfield. — His Opinion of my Case. — Correspondence and Interview with Mr. Choate . . . . .	190-199
--	---------

#### CHAPTER XIX.

Note to Mr. Alvord. — His Reply. — Letter from Mr. Choate. — My Re-	
---	--

## CONTENTS.

XVII

ply. — Interview with B. R. Curtis, Esq. — Letter to Bradford Sumner, Esq. — Rev. Mr. Buddington's Testimony. — Horrible Dream  
199-206

## CHAPTER XX.

Dr. Beecher's Communication in the *Congregationalist*. — Review of it  
207-215

## CHAPTER XXI.

Mr. Ely's Note to Mr. Alvord. — His Reply. — Summoned before two Justices of the Peace. — His strange Conduct and Testimony. — Suit against Dr. Adams called up in Court. — Reluctantly consent to refer it. — Difficulty in agreeing on the Referees. — Day for Trial arrives. — Ill Health of Mr. Curtis. — Mr. Clifford takes his Place. — Mr. Choate shields Dr. Adams behind the Law of Privilege. — Is allowed by the Referees to introduce the Davidson Story. — Mr. Walton's Testimony. — Remarks on a Passage in Job . . . . . 216-228

## CHAPTER XXII.

Ironical Charge to a Pastor. — Anonymous Letters to Dr. Adams. — Experts swear them on me. — The Handwriting recognized. — Fac-similes. — The Writer ascertained. — His Testimony. — A Special Providence. — A Word in Relation to those Experts . . . . . 228-238

## CHAPTER XXIII.

Mr. Clifford's Argument . . . . . 239-280

## CHAPTER XXIV.

Effect of the Argument on the Hearers. — Award of the Referees. — The Award condemned by the Press. — Letter from Dr. Woods. — Preaches for me. — Review of the Award in the Law Reporter . . . . . 281-298

## CHAPTER XXV.

Mr. Clifford's Argument noticed by the Press. — Remarks of Mr. Sargent of the *Transcript*. — Address delivered in the Tremont Temple. — Notices of it in the Papers, the *Herald*, *Transcript*, *Post*, *Investigator*. — Extracts from that Address . . . . . 298-315

## CHAPTER XXVI.

Fraud practised on the Referees. — Site for the Church Edifice obtained. — Another Plot for my Ruin. — An Account of it. — Dr. Adams concerned in it. — Case of Church-Discipline. — Dr. Adams advises in the

**Matter.** — Letter Missive calling an *ex parte* Council. — Council meet. — First Protest of the Payson Church. — Rev. Messrs. Waterbury and Stone take no action on the Letter Missive. — Dr. Adams censured by the Press. — He withdraws from the Council. — Deceptive Note appears in the *Transcript*. — Rev. Messrs. Kirk and Clark withdraw from the Council. — Council meet for the last Time . . . 315-323

## CHAPTER XXVII.

**Secret Session of the Council.** — The second Protest of the Payson Church. — Result of Council . . . 325-347

## CHAPTER XXVIII.

**The Supreme Court** refuse to set aside the Award. — Their Refusal noticed in the *Boston Courier*. — Called on to pay Dr. Adams for the Privilege of slandering me. — Offer to take the Poor Debtor's Oath. — Another iniquitous Scheme unfolded. — Another Attempt at Bribery. — Dr. Cooper's Statement. — Mr. Hunting's Certificate. — Committee of the Church visit him. — His Confession. — Mr. and Mrs. Hunting excommunicated. — Our Doings communicated to Dr. Adams's Church. — These Doings published. — My Letter to Dr. Adams. — Opinion of Dr. Woods. — Letter from an Orthodox Clergyman. — Letter from a Baptist Clergyman . . . 347-361

## CHAPTER XXIX.

**Make another Attempt** to have the Records of the Association corrected. — My Interview with Messrs. Dexter, Stone, and Kirk. — Mr. Kirk ready to set the Records right. — "Dr. Adams puts him all aback." — My Communication to the Association . . . 361-374

## CHAPTER XXX.

**Another Communication.** — My Letter to Rev. A. L. Stone. — His Reply. — My Reply to Mr. Stone. — His Reply. — Letter to Rev. Dr. Beecher. — His Reply. — Note to Dr. Beecher. — Rev. T. Laurie appointed Scribe. — Communication from him. — Second Communication. — My Interview with him . . . 374-390

## CHAPTER XXXI.

**The Association rescind** their Preambles and Votes. — Another Fling at me. — Note to the Scribe. — No Reply. — Call to see the Records. — Am refused. — My Final Letter to the Association . . . 390-398

## CHAPTER XXXII.

**Address my Ministerial Brethren.** — Those who have sustained me. — The

**CONTENTS.**

**XIX .**

**Majority of the Exeter Council. — Drs. Dana, Dimmick, and Storrs. —  
Those who have stood aloof from me . . . . . 399-410**

**CHAPTER XXXIII.**

**Sixteen Inferences . . . . . 410-423**

**CHAPTER XXXIV.**

**Conclusion . . . . . 423-431**

---

**APPENDIX.**

**Names of Contributors for my Church. — Grateful for the Past. — Hope-  
ful for the Future . . . . . 433-449**

---

**\*.\* For notice of the third edition, see page 461.**





## REMARKABLE INCIDENTS

IN THE

### LIFE OF REV. J. H. FAIRCHILD.

---

#### CHAPTER I.

IF there were no very "remarkable incidents" in my life till after I had seen more than half a century, yet the reader might wish to know something of my history previous to those sad occurrences which I am now about to narrate. In the review of my life preceding the year 1841, I shall be very brief; for I am quite unwilling to obtrude on the notice of my readers any matters merely of an ordinary character, having *extraordinary* matters to relate sufficient, and more than sufficient, to fill my book.

I was born in Guilford, Connecticut, on the twenty-fourth day of April, 1790. I am the eighth and last child of my father, by a second wife. Being only thirteen months old at his death, I have no remembrance of him. But I have always been told that he was deemed a very godly man by those who knew him best. Of my mother I can speak with confidence, as she lived to the age of eighty-four, and was truly "a mother in

Israel." And if a saving work of grace has ever reached my heart, it was owing, under God, to her counsels and prayers. When I was about eighteen years of age, I commenced fitting for college in the family, and under the tuition of Rev. Aaron Dutton, then pastor of the First Church in Guilford. Near that period it pleased God to visit the town with the special influences of his Spirit, and hopefully to convert many "a sinner from the error of his way." If I am a truly converted man, I date my conversion back to that period. After a suitable probation, I became connected with the church by a public profession. I entered Yale College in the fall of 1809, and graduated in 1813, having been educated under the presidency of Dr. Dwight, whom I ever regarded as one of the best and greatest of men.

Immediately after leaving college, I entered upon the office of preceptor of the academy at Monson, in this State. I took up my residence there in the family of Rev. Dr. Ely, with whom I studied theology, and, in October, 1814, was presented by him to the Hampden Association, for a license to preach the gospel, which was readily granted. I continued to retain my connection with the academy till the spring of 1816. At that time I was invited to take the pastorate of the church in East Hartford, Connecticut, and was ordained on the twenty-fourth day of the following June. After laboring among that people till August, 1827, I requested a dismission. I will here insert a brief extract from the doings of the church at a meeting holden on the sixth day of August, to act on my request: "We regard Mr. Fairchild as a faithful and successful minister of Christ. He has labored among us abundantly in word and doctrine, and we esteem him highly in love for his works' sake. Our attachment to him is strong, and our con-

fidence in him unshaken. By the blessing of God upon his labors, this church has been greatly enlarged. More than eighty have been added to our number since the present year commenced, and upwards of two hundred during his ministry. On these accounts he has become dear to us, and we cannot indulge the thought of his leaving us without peculiar regret; and we consent to submit the question of his dismissal to the consideration and decision of a council, at his own urgent request."

On the twenty-eighth day of August a regular ecclesiastical council met and consummated my request. The last paragraph of their result is in these words: "The Rev. Mr. Fairchild being thus released from the pastoral charge of this people, this Ecclesiastical Council do cheerfully recommend him to the churches of our Lord, wherever Divine Providence may direct his way, as a worthy minister of Christ Jesus. Having labored in the work of the gospel ministry in this place, during a period of eleven years, it has pleased the God of all grace to accompany his labors, from time to time, with a divine blessing, and to grant his people two precious seasons of revival, hopefully calling many immortal souls into the fold of Christ. Endowed with rich ministerial gifts, the council entertain a hope that he may continue a faithful laborer in the vineyard of his Lord, and be instrumental, by divine grace, of turning many to righteousness."

Eight of the pastors, who had been my neighbors and associates for years, gave me letters when I left, speaking of me in terms of high commendation and sincere affection, which letters I need not quote here, as they were all published in my pamphlet, printed in 1844, entitled "Iniquity Unfolded." Indeed, I should not

have deemed it necessary even to refer to the testimonials of these gentlemen, or to publish a single sentence from the doings of my church in East Hartford, or from the result of the council that dismissed me, had not the deacons of South Boston reported the story, in 1842, that my character, while in East Hartford in 1827, was such that the good people there had lost all confidence in me ; so it would seem as if that story was more than fourteen years in travelling from East Hartford to South Boston ! This shows, however, with what ease an enemy can find a dark spot in his neighbor's character when he is searching for it, and full of fear lest he should be unsuccessful. It shows, too, how ready some men are to believe what they *wish* to be true. Many instances of this kind far more remarkable will be developed in the progress of my story.

In October, 1827, I was invited to become the pastor of the church in South Boston, now called the Phillips Church. The invitation was accepted, and my installation took place on the twenty-second day of November. In March, 1833, I was called to the pastorship of the Presbyterian Church in Federal street, Newburyport. Knowing that my deacons at that time were dissatisfied with me, and believing that they would make me trouble if I remained with them, I was on the point of accepting the call, when a paper was put into my hands containing all the names of my parishioners, male and female, except the deacons, urging me to negative the call and remain with them. The deacons at once perceived that if I left it would be on their account, and this was a responsibility which they did not like to assume ; one of them, therefore, (Marcus Whiting,) immediately withdrew to another church, but Deacon Jeremy Drake expressed a wish to remain, to which I acceded after his

most solemn assurance that he would give me no more trouble, and that if he should ever become so dissatisfied that he could not any longer sit contentedly under my ministry, he would silently withdraw, and use no influence against me. How he has redeemed his pledge, the reader will soon have an opportunity to see and form his own judgment. The invitation from Newburyport was declined, and I decided to remain; a decision which has been a matter of deep regret to me times without number.

As I am now about to enter on the history of my troubles, I must be indulged here in a few preliminary remarks. In January, 1852, I delivered in Tremont Temple an address, entitled "*The New Doctrine of Clerical Privilege*," which was soon published. In the exordium of that address there is a single paragraph which I will here quote, because I think the statement there made is due not only to myself, but to all who may be induced to read my book, whether from sympathy or curiosity, or any other motive. The paragraph is as follows:—

"I wish, fellow-citizens, to state to you here, that in some parts of my eventful history, especially in the commencement of my troubles, I may have acted imprudently, but not wickedly,—injudiciously, but not corruptly. And is every clergyman, for certain solitary acts of imprudence or indiscretion, to be pursued and hunted down by his brethren, without mercy or remorse, till they have made him everywhere, so far as in them lay, an object of suspicion and distrust? And are they never to cease their efforts till his peaceful and unobtrusive labors among a quiet and united people are ended? till *he* is driven from the pulpit, and *they* scatter as sheep having no shepherd? If all clergymen were to be

treated thus, even for repeated acts of imprudence and indiscretion, the Lord have mercy on the profession. Certain I am that many who are now in it, would soon be out of it,—and many who are now out of it would never enter it. I do not pretend to claim exemption from the common infirmities of men. But I do claim exemption from those infamous crimes laid to my charge, of which I *know* myself to be innocent, and when no valid proof has been or can be adduced to sustain them, and *especially* after an impartial jury has unanimously acquitted me on the distinct merits of the case. This I do claim; and I submit it to your judgment whether it be not a righteous claim.”

There is one act of mine deemed by many as very injudicious, and for which, so far as I know, I have been more generally censured than for any and all my other acts,—I refer to the payment of hush-money; this has seemed to certain minds as almost a confession of guilt. My reasons for doing so I have stated on the sixteenth page of my pamphlet, published in 1844, and I here take pleasure in mentioning what I know to be true, that, a great change has taken place in the views of people in relation to this matter; they have learnt from those best qualified to know, that thousands of dollars have probably been paid every year in Boston, by innocent men, rather than have their names brought before the public in such a connection. But this method of obtaining money under false pretences, or, as it is technically termed, “black-mailing,” is far less common since my trial and acquittal; for the public mind is now so much enlightened on the subject that an innocent man is well aware that very little credit is given to such accusations, and therefore instead of paying hush-money, he enters a complaint against his accusers, which usually results in

the infliction of deserved punishment on the guilty, and without any stain on his own reputation, or reproach on his family and friends ; and with the knowledge which I now have, this is the course which I should have adopted, and which I would earnestly recommend to all who may hereafter be placed in similar circumstances. Let it be but distinctly known beforehand that no money will be given these false accusers, but rather a complaint entered before the proper tribunal, and such accusations will be "few and far between." It is true, that in such a case, the law operates greatly to the disadvantage of the accused, and altogether in favor of the accuser ; for the man, however innocent he may be, is not allowed by law to testify in the matter, while his accuser has full liberty, and can be discredited only by an impeachment of her testimony ; and in some instances this may be quite a difficult, not to say hazardous, attempt. And it was my knowledge of the existence of this law, which had no little influence on my course of action. Why a law, which seems to me so palpably unjust and unequal, should remain on our statute-book, is a question for our wise legislators to settle.

Having made these preliminary remarks, I will now enter upon the history of my troubles. From the time I declined the call at Newburyport, in 1833, till August, 1841, nothing occurred worthy of special notice. On the twenty-seventh day of that month, Deacon Josiah Vinton made that most unrighteous and insulting attack upon me which I have described on the twelfth page of "Iniquity Unfolded," and which it is unnecessary for me to repeat. Indeed, all the circumstances connected with that transaction,—the supposed signals inviting me to my neighbor's house for a vile purpose,—Deacon Vinton watching me secreted behind a window-

blind with his neighbor's wife, and Deacon Drake at the same hour watching me from the scuttle window on the roof of his house, at two o'clock in the afternoon, when I was going in broad daylight to call on a virtuous family, without even suspecting that my deacons could be so employed in order to entrap their unoffending pastor, not having given me the least previous intimation in private that my calls on that family were exciting suspicion in the mind of any one, and thus telling me my fault alone, as the gospel directs, that I might explain my conduct, so that all further occasion for evil surmisings might be avoided, — all this, I say, is not only fully stated in my pamphlet of 1844, but it has all been critically examined and thoroughly sifted by six gentlemen chosen by mutual agreement, to hear the evidence and pass judgment in the case, as a board of reference; and at the proper time and place I shall insert their result in full.

When the deacons told me of the watching scene just mentioned, I should not have been more surprised if they had suspected me of murder. I assured them that their suspicions were unfounded, and made to them all the explanations which truth and honesty demanded. But it availed nothing; their minds were made up. They however professed not to have the least desire to injure me; they only wanted a new minister, having, as they said, lost all confidence in me. They were willing, as they said, that I should take the pastoral charge of any other church out of South Boston. Having myself felt a desire for years to be relieved of my deacons, I thought that Providence had now opened the way for me to request a dismissal with a good conscience. Accordingly, I very unwisely entered into an arrangement with them, that if they would make no

attack on my character by proclaiming their suspicions, I would seek a new field of labor, and enter it as soon as possible. But their wicked and cruel assault so distressed me,—the thought that my deacons, who, as I well knew, were my worst enemies, should place me in such a position, so affected my health in a short time, that I was not able to perform my pastoral labors; and instead of seeking for a new parish, I was compelled to look after my health. In the opening of the spring of 1842, finding my feebleness increasing, I made preparation for a journey to Europe, to be absent, if necessary, one year. But the latter part of April, about two weeks before I designed to leave the country, the demand for money was made upon me by a former domestic, who was directed to come to me, as she said, by a married sister — which sister shared in the booty, as was afterwards proved in court — a domestic whom I had not seen or heard a word from for about five months. I yielded to the demand, as is well known to my readers, and the circumstances connected with it I afterwards stated in full in my pamphlet of 1844. This unhappy occurrence determined me at once to give up my contemplated European tour, and to journey in the southern and western parts of this country. Accordingly, I resigned my office as pastor of the Phillips Church, on the fifteenth day of May. When my letter of resignation was read in the presence of a large congregation, it took almost every one by surprise, except the deacons; and if the people had then known what was the probable cause of my feeble health,—that it was doubtless induced by the conduct of my deacons, in giving heed to the stories of a jealous watcher-woman residing in the neighborhood, and then turning watchers themselves,—if the congregation, I say, had been aware of this fact, the deacons

would not have appeared quite so much elated, as I was told they did, while my letter was being read. In that letter I gave the people the statistics of the church in a single paragraph, which I will here quote. In referring to the time when I took charge of the church, in November, 1827, I said: "You were then a feeble band. The church consisted of only thirty-seven members, and such had been your trials and discouragements, that it was quite doubtful, for some months, whether you would disband and give up the ground to be occupied by another denomination, or make one further effort to gain strength sufficient to retain your existence as a distinct church and society. Just at this interesting crisis a kind Providence directed my steps hither, and the consequence was that a united and pressing invitation was given me to become your pastor. By the advice and urgent request of the late Dr. Wisner, then pastor of the Old South Church, your invitation was accepted; not because this was the most inviting field of labor that presented itself to my notice, nor because I was in pursuit of ease, worldly honor, or interest; but because it was deeply impressed on my mind that duty to Christ required me to come and labor among you, hoping, under God, that I might be the means of saving you, as a church, from utter extinction. At that time, neither you nor I had much reason to expect that our connection would continue for more than three years. But it has continued for fourteen years and a half. And now behold what great things the Lord hath done for us. Since the time of my installation, we have admitted into membership in this church, three hundred and fifty-six; of this number, two hundred and fifty-one still remain connected with us, and the congregation has increased in about the same proportion."

Within a few days I commenced my journey. On the second day of June a council convened for my dismissal, at which one, if not both the deacons were present; but they never uttered a word, or made the least insinuation against my moral character. The council dismissed me with clean papers, speaking of me in terms of high commendation, the deacons sitting silently by all the while, and believing me a knave and a hypocrite; thus allowing the council to send forth one whom they deemed "a wolf in sheep's clothing," to scatter and devour some innocent and unsuspecting flock.

In my interviews with the deacons after learning what they had been doing, and *before* as well as *after* entering into the agreement just mentioned, I assured them in the most unequivocal terms, that nothing could induce me to remain with them, even though they should make a suitable apology; for I was so constituted that it was impossible for me ever to feel safe as pastor of that church, in connection with such deacons. I repeatedly told them that I would not and could not remain, unless compelled to do so in order to vindicate my character from their aspersions, at the same time entreating them that if they had any charge which they ever intended to prefer and substantiate against me, to do it while I remained pastor of the church, that I might be in a suitable position to meet it. But they were not prepared, when the council met for my dismissal, to violate their solemn promise to keep their suspicions to themselves, and so they deferred that treacherous act till after I was happily settled in Exeter.

I must be permitted here to say that if this transaction were to occur again, I should take a very different course. If a deacon or any one else should ever come upon me again in like manner, depend upon it, there

would be no compromise between us; but I would meet the case at once by demanding proof, or a retraction of the charge, or an investigation before some tribunal competent to try the case, and inflict deserved punishment. To enter into compromises under such circumstances with known enemies, though they may be deacons, is madness; for they are not to be trusted. I should not probably do exactly as a brother clergyman told me he would. Said he, "if Deacon Vinton had come upon me in that manner, instead of entering into compromises, I would have taken him by the collar of his coat, and dragged him to the first person I met, and then dared him to repeat, in the presence of that witness, what he had just said to me." But I was timid,—unaccustomed to contention,—thought much of my reputation,—was not a lawyer or a merchant, who could meet such an attack with less injury, but a teacher of religion and morals, whose influence would be greatly impaired if his purity were even *suspected*. But I can now only say as I did about the payment of hush-money, "what is done, cannot be undone."

---

## CHAPTER 11.

I RETURNED from my journey early in September, with my health somewhat improved, but still quite feeble. I preached occasionally one sermon on the Sabbath, as a labor of love for some neighboring pastor; and during most of the months of December and January, I was able to supply the pulpit of a vacant church in Malden.

During this period, Rev. William W. Patton was ordained as my successor over the Phillips Church, though the deacons so managed, in order to show me their contempt, as to prevent an invitation being extended to me to sit as a member of the ordaining council, which excited a good deal of feeling and inquiry, both within and without the council. In February I received an invitation to preach to the First Church in Exeter. As my health was not fully confirmed, I consented to occupy their pulpit from the first of March till September, with the understanding that if my health should be restored, and they should then desire it, I would consent to become their settled pastor. Accordingly I received a call after laboring among them about six months, and was installed on the twentieth day of September, 1843. Rev. N. Adams preached the sermon, Dr. Codman gave the charge, and Rev. Hubbard Winslow addressed the people. Soon after this, I was notified by a friend of mine residing in Boston, that Deacon Vinton and others were circulating stories to my injury. And on inquiry I was satisfied that the pledges given me by the deacons had been violated. Passing over what took place from that time till March, by way of correspondence and otherwise, I would here state that two anonymous letters came into the post-office at Exeter, dated the one March fifteenth, and the other March twenty-ninth, addressed to Rev. Henry Jewell, the minister of the Universalist Society, and James Burley, Esq., a leading member of the same society, and cashier of the Granite Bank. Both these letters contained the grossest slanders respecting me, and referred to the deacons of the Phillips Church, South Boston, as their authority. Messrs. Jewell and Burley kept these letters to themselves and said nothing, contrary to the expectation of

the writers, who doubtless supposed that as these gentlemen were Universalists, they would rejoice to find something against an Orthodox clergyman. But the anonymous writers, finding that they could not set the stories in circulation in this way, soon fell upon another expedient. Accordingly, on the sixteenth day of April, an anonymous printed circular came into the post-office, headed "A WOLF IN SHEEP'S CLOTHING," and signed "EPAPHRODITUS," directed to some thirty or forty heads of families in the town. This was a long document, abounding in vile and slanderous assertions,—alluding to the agreement between the deacons and myself, and again referring to them as authority.

This infamous circular being thus introduced into the families of the village, soon brought together the leading members of my church for consultation. As the circular was anonymous, it was at first deemed unworthy of notice. It was argued by the brethren that if the deacons of the Phillips Church had any thing against my moral character, they ought, as honest men, to have made the fact known to the people of Exeter before my installation, and not have suffered me to leave South Boston with such high testimonials of character, and thus practise a gross imposition upon them, especially as I had been laboring among them for six months previous to my installation, as the deacons well knew; and moreover knowing the very day appointed for the ceremony to take place, and the very clergymen in their immediate vicinity who were to take part in the installing services. But inasmuch as the deacons of the Phillips Church were so explicitly and boldly referred to, it was thought best that two of the brethren should visit South Boston to make inquiry into the matter. They did so; and on their return reported that the circular was got up by my

personal enemies, who were bent on my ruin. On inquiring of the neighbors they ascertained the hostile feelings of the deacons towards me, and also of the Dunham family. They had a personal interview with Mr. Dunham; and they afterwards published a statement of what he said, from which I take the following extract: "We called at the house of Josiah Dunham for the purpose of ascertaining what Mr. Dunham would say in relation to an anonymous circular which had been distributed, defamatory to the character of Rev. Mr. Fairchild. Mr. Dunham, without any hesitation, denied all knowledge of the circular, both in respect to its author, origin, or publication. He said that Mr. Fairchild was a rascal and a villain, and he could prove it. He is as big a rascal as ever wore a black coat; and I will leave no stone unturned until I get him out of the pulpit. Down with him, and tell what I say everywhere. It was evident from this conversation that Mr. Dunham was the determined foe of Mr. Fairchild; and although he denied all knowledge of the circular, he yet voluntarily made charges of a character equally severe." When afterwards the deacons were questioned on the subject, they made the same denial. Nobody seemed to know where the circular came from; and it is without acknowledged paternity to this day. But as it got into the post-office, and into many of the families at Exeter, and as it could not possibly be without parentage, every reader must be left to draw his own inference as to its origin. I do not wish my worst enemy unjustly to suffer the imputation and disgrace of being the author of that foul and ignominious publication. But I shall soon have occasion to mention other publications equally foul and ignominious, the authors of which are well known, notwithstanding their artful

and unbecoming attempts at concealment. Shortly after the return of these two brethren to Exeter, and their report of what they had ascertained at South Boston, I was satisfied that the deacons and Dunhams had gone so far, and said so much, that there must be an investigation. Accordingly, I requested, through Rev. N. Adams of Boston, then my friend, that he would advise as to what method had better be taken to investigate the matter. At his suggestion, and with the consent of the deacons, the board of reference already mentioned, was constituted, and the case referred to them for their final action and decision.

The referees met at South Boston on the eighth day of May, 1844. They examined critically and thoroughly all the evidence. They held three long and tedious sessions, commencing each day soon after two o'clock, and continuing till nearly midnight. They gave full liberty to the deacons to say all they had to say, not only about my deportment while a resident of South Boston, but also about my imputed misconduct when I was pastor of the church in East Hartford. They did not restrict the deacons at all, but allowed them to begin, if they chose, as one of the referees expressed it, "from the fall of Adam, and come down to the present time." And when they closed, the chairman asked them, "Gentlemen, have you done? Is this all?" They answered, "Yes."

My readers may here wish to know what was meant by my delinquencies at East Hartford. I feel it due to them as well as to myself, to make a brief statement with regard to that matter. Soon after my return from the West, in the fall of 1842, Deacon Vinton read to me certain detached parts of a letter which he had received from somebody in Connecticut, which seemed to cast

some suspicion on my character. But I could not prevail on him to name the author, or let me read the letter. But from a remark incidentally made by him, I inferred that it came from East Hartford. I immediately wrote a letter to the Rev. Samuel Spring, my successor in the ministry there, to ascertain from him whether he could give me any information on the subject. He replied that Deacon Vinton had written to him, and that he had returned an answer, and expressed a wish that I could read it. He assured me that there was nothing in it, taken as a whole, which could be construed to my injury. And from his account of it, the deacon's letter must have been not a little crafty and deceptive. I then wrote to Mr. Spring again, stating to him at some length the course which my deacons had pursued towards me. He wrote me a second letter, dated January 14th, 1843, from which I will take a single extract. "I authorize you to say to him," (Deacon Vinton,) "from me, using this or my last letter, or both or neither, as you please, for proof, that no charge of a criminal nature was brought before the council at the time of your dismissal; nor was a whisper uttered derogatory to your character as a Christian minister; nor did a thought, so far as I know, ever enter the mind of one of them that would implicate your purity or morality in any respect. This, I think, my dear brother, will correct any misapprehension which my letter may possibly have occasioned. And there is one reason why it should be in your possession rather than in his. *He* might not be disposed to use it *at all*. Men are usually not prompt to correct their own mistakes." Of the truth of this last remark, my readers will find abundant proof as they peruse this volume, not only in reference to deacons, but pastors of churches.

After the evidence was all in, and the deacons had nothing more to say, the referees, having been alone an hour or two, to ascertain each other's views, adjourned from the tenth to the fifteenth day of May, to meet in Boston, at the house of Rev. Mr. Winslow, there to make up their final judgment in the case. They met accordingly, and having sat in secret session from the early part of the evening till after midnight, they came to the following unanimous result:—

At the request of the Rev. J. H. Fairchild, of Exeter, New Hampshire, the undersigned met at South Boston, on the 8th of May, 1844, to investigate charges made against his moral character, in an anonymous circular which had been recently distributed in Exeter and elsewhere.

In this circular, the deacons of the Phillips Church in South Boston were referred to as having facts in their possession sustaining the aforesaid charges.

Having been applied to by members of the Rev. Mr. Fairchild's church in Exeter, to communicate these facts, the deacons of Phillips Church properly declined to do so, except in the presence of Rev. Mr. Fairchild. Accordingly, the undersigned were requested by him, with the concurrence of the deacons at South Boston, to hear these facts with him, and with two brethren of his church in Exeter.

The deacons of the Phillips Church then stated that they did not know the origin of the circular, and that there were assertions in it which they believed to be utterly false. They disavowed any intention or wish to injure the reputation of Mr. Fairchild, and stated that though impressions had been made upon them by what had come to their knowledge derogatory to his character, they had been cautious and reserved, (and as some might think to a fault,) in not making a public disclosure of them, or of the circumstances from which they were derived. But now, as they had been referred to in the circular, and had been appealed to by members of the church in Exeter, they were willing, if requested by Mr. Fairchild, to state all the facts within their knowledge which had served to excite against him suspicions of conduct or intentions inconsistent with the Christian character.

The deacons of Phillips Church, at the request of Mr. Fairchild, then made a statement, accompanied with the testimony

of other individuals, members of said church. A correspondence of great length, growing out of the facts in question, was also read.

After a protracted and laborious investigation of all the particulars touching this subject, the undersigned are constrained to say that the circumstances brought to view as tending to excite suspicion against the Rev. Mr. Fairchild, do not impair our confidence in his moral or Christian character. In this remark, we include also alleged misconduct on his part while pastor of a church in East Hartford, Connecticut; and we are happy to state that after a severe and thorough scrutiny, nothing has appeared in any part of his life which prevents us from according to him our full confidence as a minister of Christ.

We are happy, therefore, to assure the church in Exeter, under the care of Rev. Mr. Fairchild, that so far as our knowledge extends, they may continue to cherish an undiminished confidence in him.

We indulge the hope that our judgment in the case, having been virtually though not formally invited by those who have submitted the testimony, will have weight with them, and that the Rev. Mr. Fairchild will be able to pursue the work of the ministry with his former faithfulness and success.

H. WINSLOW,  
N. ADAMS,  
W. A. STEARNS,  
THO. M. VINSON,  
NATH'L DANA,  
DANIEL NOYES.

Boston, May 15th, 1844.

A true copy — Attest,

W. A. STEARNS, *Scribe*.

This result was to the deacons a most afflictive dispensation of Providence. Perhaps no calamity had ever befallen them during their preceding life, to which they submitted with so ill a grace. But they seem to have recovered very soon from their shock, and to have entered on their enterprise again in another direction, with new life and zeal. Just one month to a day after the result of the referees was signed and delivered, I received at Exeter a letter from Rev. N. Adams, informing me that certain papers had been put into his hands

accusing me of improper connection with a female who had been my servant-maid some two or three years before. The papers, as it afterwards appeared, were procured at the instance of Deacon Drake, and carried by him to Rev. Mr. Aiken, then pastor of Park Street Church, and by Mr. Aiken to Mr. Adams. The letter giving me this information, came into my hands on Saturday the fifteenth of June, 1844. I took the first train of cars on Monday morning, Mrs. Fairchild accompanying me, and arrived at the house of Mr. Adams about nine o'clock. I was in due time admitted into his library, where I found all save one of the referees who had just sat on my case. Rev. Mr. Stearns, then of Cambridgeport, but now president of Amherst College, was absent on a journey. But before my arrival, as was afterwards testified by Col. Vinson, Dr. Adams called on the colonel at his place of business to take him in his chaise to his library to meet the other referees, and while on the way thither he remarked to the colonel, "In the other case the matter was very clear. But in this case, I do not see one chance in a hundred for Brother Fairchild's escape." This he said before he had seen me or heard of my arrival. When I entered his house, as I have been told, he expressed great surprise. He doubtless expected that I should be so frightened on the receipt of his letter, that instead of turning my face towards Boston, I should turn it in an opposite direction. I will, however, do him the justice to say that he remarked to one of the referees, that my voluntary appearance at his house that morning brought great relief to his mind. But it would seem that his relief lasted only till the next day.

The papers containing the charges against me were read by Dr. Adams. I will here relate what then took

place by quoting from the testimony of Col. Vinson on the stand in court. "Mr. Fairchild was asked by Mr. Adams if he wrote the letter just read? He replied that he did, and called for the reading of his first letter to her. Mr. Adams replied that it had been destroyed. Mr. Fairchild expressed great regret at its destruction, and said that letter would explain why he had written this, and that it was a conspiracy to destroy him. Dr. Adams then said it was strange that he did not upbraid her and her associates for their conspiracy. Mr. Fairchild replied that he charged it home upon them as hard as he could, and if that letter was produced it would show it. Dr. Adams questioned him very closely as to what connection of any sort or kind he had ever had with her which could have led her to make such a charge against him. Mr. Fairchild denied, in the most unequivocal manner, that he had ever had any carnal knowledge of her. He said that her charges were a tissue of falsehoods from beginning to end, and that he never touched the girl." This is the principal part of the colonel's testimony in relation to this point. And it agrees essentially with his testimony as noted down at the time by Mr. Clifford, my senior counsel.

The referees remained a short time together for consultation; and their advice on the whole was that I should get those persons indicted as conspirators. Accordingly, I called in the afternoon on Bradford Sumner, Esq., who was at that time almost the only counsellor at the Suffolk bar with whom I had any acquaintance. I stated the case to him, and asked his advice. After making many inquiries, and examining and cross-examining me very critically and thoroughly, he saw, or thought he saw, a deep laid plot to accomplish my ruin. He said that I must proceed with caution; for he well

knew what an unscrupulous set I had to deal with. He said that if I got them indicted, they would also get me indicted; and I understood him to say that the fact of their being indicted first would not make it sure that they would be tried first. He further said that if my enemies could by any means convict me of perjury they would do it, for the purpose of inflicting on me all the pains and penalties of perjury, and thus accomplish my ruin. Not being willing to run such a risk, I returned to report to Mr. Adams. He was not satisfied with this advice, and expressed a wish that I could consult Mr. Choate. I did not, however, call on any other lawyer, but concluded to return to Exeter in the cars next morning. I spent the night with Mr. Adams. During the evening he went over to South Boston to ascertain what was going on there. He called on Deacon Drake and learnt that preparation was being made to get me indicted. He returned and reported accordingly; and though he had obtained the deacon's promise that nothing further should be done at present, yet my confidence in his promises was gone, and I was so ignorant of the forms of law in such matters as not to know but that any city officer of the police had authority to arrest me at the bare request of Deacon Drake, on the representation made by him that I was about to leave the State. I was therefore apprehensive that I might be arrested in the morning before I could reach the depot. I retired at ten o'clock, but not to sleep; having previously made arrangements with Mr. Adams to leave his house at half-past six o'clock in the morning, not expecting to see him again. Soon after daylight I arose, and went for a carriage to convey Mrs. Fairchild and myself to the depot. The carriage was to be there precisely at half-past six o'clock; the time had nearly arrived, and I

was frequently going to the front door or window to look out for the carriage at the head of the court, as it could not enter the court on account of obstructions occasioned by building materials lying scattered around. The excited state of mind in which I then was, the reader can better imagine than I describe. At this moment Mr. Adams came down from his chamber. This circumstance I well recollect; but I have no distinct recollection of any thing which took place after he entered the room where I was. Mrs. Fairchild and Dr. Adams are the only witnesses of what then transpired. He says that he took me into the back parlor, and there put to me a certain question, and that I gave him no answer. He further says that if I had answered the question to his satisfaction, he would have stood by me to the death, if all others had forsook me; but as I was silent, the impression of my guilt was fastened on his mind, which he has never been able to get rid of. I had answered the question the day before in the presence of the referees, in the most unequivocal manner, as was proved by Colonel Vinson, whose testimony I have just related. In reply to all this, Mr. Adams says that I was not excited,—that when he came down from his chamber I was calmly reading a newspaper! To this statement Mrs. Fairchild gives an unqualified denial. I leave the reader to judge between them. *Here is the starting point of Mr. Adams's opposition to me; and I beg every reader to bear this fact distinctly in mind, as it will enable him to account for certain transactions soon to be narrated, which otherwise will be wholly inexplicable.*

I will now quote a paragraph from my pamphlet "Iniquity Unfolded." "In this state of mind I returned to Exeter, hardly knowing where I was, or where I had been. When I look back to that period there seems a

mist of confusion and indistinctness about it which I cannot explain, except on the ground that my mind was then in an incipient state of derangement which soon became complete, to the utter dethronement of my reason. Scarcely knowing what I did, (for I considered myself a ruined man,) I called my church together, made a brief statement of my case, asserted my innocence, resigned my office, and before morning became a raving maniac! Early on the second morning I made the attempt on my life, which was described by Dr. Perry before the council. The loss of blood soon restored my reason; and I verily believed that my days and troubles were ended,—that my enemies had accomplished all they could do, and would of course be satisfied, though I fervently prayed *then*, and do *now*, that God would forgive them their wrongs to a man who had never designedly injured them, or thrown a straw in their way. After my recovery, I was told that my derangement broke out in all its fury sometime after midnight, and that when the doctor and other gentlemen came in I was afraid of them till assured that they were my friends, and that I then embraced them with much affection, and inquired with great agitation and terror whether Vinton and Drake were there; entreating that if they were, I might be kept from them; but not even then expressing the least enmity towards them, or any desire to injure them."

During that very day on the morning of which I left the house of Mr. Adams, a clergyman from a neighboring town called to see him, to whom he told the story. The clergyman said that he could not believe it. Mr. Adams replied that there was no doubt about it, and by way of confirmation added,—“I saw the picture of hell in his countenance.” Soon after this, in a conversation

with Dr. Burgess of Dedham, and speaking confidently of my guilt, he said, — "When Mr. Fairchild left my door that morning, I followed him with my eye up the court, and I could not help saying to myself, — there goes hell."

Soon after the sad occurrence at Exeter just mentioned, which happened the twentieth day of June, the Suffolk South Association, of which I was then a member, held a special meeting, and appointed a committee to investigate this matter and report at a future meeting. This committee consisted of Rev. Messrs. Samuel H. Riddel, Edward Beecher, and Austin Phelps; but as Mr. Phelps declined serving, Dr. Adams was appointed in his place. Mr. Riddel was chosen chairman.

About two weeks after the above-named incident, so nearly fatal to my life, I received a letter from the chairman, dated July 5th, summoning me to meet that committee at a room in the Marlboro' Hotel, to confront my accusers. I will here quote the first paragraph: "Sir, the committee appointed by the Suffolk South Association to investigate the charges made against you, have fixed upon Tuesday, July 9th, instant, at ten o'clock, A. M., as the time when they will give you an opportunity to meet your accusers face to face in the presence of the committee; and to bring forward any testimony or other evidence which you may have to produce in your own vindication against said charges." When this letter was received I was still very feeble. What testimony or evidence the chairman thought I could produce in so short a time is utterly beyond my power to conceive. But, feeble as I then was, I at first agreed to obey the summons. But my persecutors at South Boston, probably aware that I might come, had succeeded a few days before, as I was credibly informed,

in obtaining an indictment against me, doubtless for the purpose of seizing me on my arrival in Boston. This, among other reasons, determined me to submit my case to an ecclesiastical council as soon as I could make the necessary preparation, to be convened at Exeter.

It was well that I did not go to meet the committee on the 10th of July, for, as it afterwards appeared, my case was at that very time before the grand-jury, and Messrs. Adams and Beecher, two of the committee, had been to testify against me. And one of the police officers, who was at the time frequently passing in and out of the jury room, told me, years afterwards, that the grand-jury were disposed at first to look kindly on my case,—that they did not seem to give much credit to the testimony of my principal accuser, and that if Messrs. Adams and Beecher had not testified against me, he did not believe that I should have been indicted. He said he saw them walking up and down the hall arm in arm, and he overheard one say to the other, “we will fix Fairchild.” Whether this gentleman misstated the case to me or not, certain I am that one or both of them were there to testify. And all the circumstances connected with that affair go to show that if they had not been there, no indictment would have been found. And they had directed their chairman to summon me to a room in Marlboro’ Hotel, *professedly* to meet my accusers face to face, when they well knew that the real object was to give the officer an opportunity to arrest me. For what other purpose could they have wished me to meet my accusers at such a time and place? Were they a suitable body to try me, with their minds made up, and regarding me as “hell,”—yea, as “hell incarnate?” Besides, what right, civil or ecclesiastical, had that committee to summon me to meet my accusers face to face

before them, that they might examine the evidence and investigate the charges? They knew they had no such authority. It was to entrap me; but they did not succeed. They did not have the pleasure of seeing me led by a sheriff through the streets of Boston as a felon. This is not the first instance in which "God hath disappointed the devices of the crafty, so that they could not perform their enterprise."

Moreover, at the very time when the grand-jury were in session with my case before them, Messrs. Adams and Riddel came to see me at Exeter, and immediately requested Mrs. Fairchild to leave the room, as they wished to converse with me alone. They did so, and tried in every possible way to worm out of me a confession; Mr. Adams virtually put me under oath for this purpose. But I had nothing to confess, and so they returned as wise as they went, only Dr. Adams stated afterwards that while I persisted in denying the charges, the denial was made in such a tone of voice as was quite painful to him, and impressed him very unfavorably. On their return, Dr. Adams went to the grand-jury room; and Colonel Vinson happened to see him as he was going in, and, knowing that he had been to see me at Exeter, he asked him, "What does Mr. Fairchild say now?" He replied, "He says he is not guilty." He then went in to testify to his impressions; and a majority of the jurymen voted to indict me.

When the committee ascertained that I was determined to have a council, their chairman wrote me a note, only three weeks from the time of my derangement, stating that "the Association will not come to their result in the case until after the meeting of the council, if that council is held *soon*. If it could be convened as soon as Wednesday next week, it would be

desirable. The more promptly you meet the case the better." "The Association will not come to their result," says this sapient chairman! Pray what result had they to come to? They had nothing more to do with me in the way of discipline than a committee of the Suffolk bar would have to try a man for murder without judge or jury. And it was their attempt to assume power not belonging to them which has occasioned so much trouble. But I well knew that they had an irresponsible power which was tremendous, and that any member of the association who should refuse to do their bidding, was a doomed man. I concluded from Mr. Riddel's letter that there was a determination on the part of the committee to cause my expulsion from the Association, "if the council was not held *soon*." And to have the fact come before the council that I had been expelled, I knew must operate greatly to my disadvantage; and therefore I consented to assemble them several weeks before it was possible for me, in my feeble state, to be properly prepared. Though I had then resigned my office, and was not preaching or doing any injury to the church, or the ministry, or anybody else, still the council must be called *soon*, or the Association, in their usurped authority, would result in my expulsion from their body without further ceremony.

## CHAPTER III.

WELL, a council was called to meet at Exeter, on Wednesday, July 24th, 1844. Seventeen churches, by their pastors and delegates, were invited. They met and organized by the choice of Rev. Dr. Dana as moderator, and Rev. Dr. Dimmick as scribe. Previous to the issuing of the letters-missive, the Suffolk South Association, by the advice of their committee, sent a letter to the church in Exeter, requesting that in the letter calling the council, their committee might be recognized. The Association tell the church in their letter that they are ready to send their "committee to communicate to said council the result of their investigations in Mr. Fairchild's case, and furnish such evidence as they have obtained, and bring such witnesses as they might think necessary." When this letter was put into my hands by the committee of my church, I thought it contained a singular request. I supposed that any one and every one who knew any thing against my moral character, touching the case to come before that council, would have full liberty to come, and to bring as many witnesses as they could find, without sending a note requesting to be invited by the First Church in Exeter. However, as a matter of courtesy, I permitted the invitation to be given, (for without my permission it could not have been done, as I was one of the parties concerned). So they were recognized in the letter-missive to which I appended my name. But I supposed when I signed that letter that those gentlemen were my warm friends. I had no suspicion that they were plotting and

planning my ruin. Alas! how true is the following declaration of the prophet: "Take ye heed every one of his neighbor, and trust ye not in any brother; for every brother will utterly supplant, and every neighbor will walk with slanderers." Mrs. Fairchild too, was frequently in Boston about that time looking up evidence; and she always called on those gentlemen to report progress and get advice. I never dreamed that they had been before the grand-jury, and had caused me to be indicted, and that they wanted to get hitched on to the council that they might be in a better position to procure my conviction. Mr. Riddel had called on me but a short time before the council met, and appeared very kind and cordial. I showed him my principal evidence, and expressed to him my strong confidence that my evidence was such as to lead the council to acquit me. The thought that he was all this time watching for my halting, never entered my mind. I told him who were invited to sit on the council. He expressed his surprise that I had not named Dr. Burgess; for, said he, "the doctor is very friendly to you." This remark determined me to add his name to the letter-missive. But, behold! his object in giving this advice was to change the views of Dr. Burgess. He knew that the doctor was strongly opposed to their doings, and was not ready to condemn me without a hearing. And Mr. Riddel doubtless thought that if Dr. Burgess could only hear the girl's story she would convince him as easily as she had the committee of the Association. In this advice he did me great service, "though he meant not so, neither did his heart think so."

But soon after the council opened, I ascertained what had brought them there. The question was asked by one of the council, in what capacity the committee of

the Association appeared before them? Mr. Riddel answered that "Mr. Adams was to open the case,—that he himself was to examine the witnesses,—and Dr. Beecher was to sum up the evidence, and bring it before the council in its proper connection, to enable them now to act." Dr. Beecher said that "he had come there to get at the truth, let it cut where and whom it might;" and, in effect, told the council that unless they put me down, I should be a mill-stone about their necks. He gave them distinctly to understand that an indictment had been found against me in Boston. All this and more was said and done before a single witness was examined. The committee had already tried and condemned me. They only wanted the council to do what they as a committee could not do, namely, to carry into execution their own judgment, by publicly deposing me from the ministry. If any of my readers should deem me uncharitable in these remarks, will they not be kind enough to withhold their censure till they have finished my book?

But the best commentary on the doings of this committee which I have ever seen, is contained in a review of the result of the Exeter council, written by one of our most respectable clergymen, who was present to see and hear and judge for himself, and to whom I shall ever feel and acknowledge my great indebtedness for his able defence of an injured brother, though, at that time, we were entire strangers to each other. The review was signed JUSTUS; but I soon ascertained that it was written by the Rev. Nathan Munroe, then pastor of the church in West Bradford. It had a powerful effect on the public mind, opening the eyes of multitudes to the great injustice which had been done. Not that there was any studied and designed injustice on the part of

a majority of that council; certainly not till after they had published their result. But a wrong may be done unintentionally, and very conscientiously too, quite as injurious as if done designedly and wilfully. Rev. Dr. Dimmick, scribe of the council, who voted against me at Exeter, doubtless felt that something must be done to wipe off the reproach which Mr. Munroe's review justly cast upon the majority of that council for the solemn farce which they had there enacted. I think that very few ever read Dr. Dimmick's review without plainly perceiving that his great object was to defend the council, lest their dignity should suffer, and their influence diminish by the revelation of the fact that they were not infallible, but erring men. He seemed to prefer that the decision of the council should remain unimpeached, rather than open his eyes to the new evidence which soon came to light, and which all could see, except those who had committed themselves against me on one-sided testimony. I am well aware of the unbounded influence which the committee of the Association had over Dr. Dimmick. Had I been in his position, and having the same confidence in Dr. Adams which he then had, and which I had before I witnessed his conduct in the presence of the Exeter council, I might have been led, very innocently, into the same mistake as was Dr. Dimmick. I wish I had room enough in my book to insert each of these reviews entire, that every reader might judge for himself of their comparative merits. But as this cannot be done, I will here take a single extract from that of Dr. Dimmick, and possibly before I close I may have occasion to quote from it again. Mr. Munroe had spoken in his review of the new light which was beginning to dawn on the subject, and which might put a new face upon things more favorable to me. To

this Dr. Dimmick replies thus: "It is unfortunate for the reviewer that the further light which begins to shine up in regard to this matter, shines darkness upon his cause." What was light to Mr. Munroe was pitch-darkness to Dr. Dimmick. And even since my trial before the council at Exeter, and honorable acquittal in court, I am not aware that Mr. Dimmick has yet seen any thing but darkness. If he has obtained any new light on the subject, he has not made that fact known to me.

I just now referred to Mr. Munroe's commentary on the doings of the committee of the Association before the council at Exeter. I will here quote it. He says:—

It is a circumstance worthy of note in the case before us, that a committee from a ministerial association should have been allowed so much influence in the trial, and, we may say, to do so much of the work that properly belonged to the council. Whether or not they were commissioned to do this by the body from which they came, they in reality *acted the part of prosecutors*. They cross-examined Mr. Fairchild's witnesses, and to a considerable extent, controlled the action of the council. They precluded the accused, by their objections, from the assistance of a lawyer in the examination of witnesses, who was to be introduced *not as a lawyer*, but as a counsellor, and one acquainted with evidence,—and this was done when it was as clear as day that Mr. Fairchild was without the common preparation for defence, while the committee had all their charges and evidence arranged in the most careful manner.

The disadvantage which Mr. Fairchild suffered from want of aid from some one accustomed to examine witnesses, was very apparent, and made a deep impression on some of the spectators. A gentleman of the bar who was present, is said to have expressed his deep regret at seeing the principal witness retire without a more rigorous cross-examination. He deemed such an examination essential to a knowledge of the facts in the case.

Now there is no reason to complain of the committee for being present, or for presenting any charges which they might deem proper to prefer against the accused. They were there by invitation of Mr. Fairchild and the church in Exeter. But

to the part they acted, we think there were objections. They seem to us to have erred in acting as *prosecutors, in cross-examining Mr. Fairchild's witnesses*, and in attempting to give *direction to the proceedings of the council*. They seem to have felt themselves empowered to do this by the authority of their association, to which Mr. Fairchild belonged. But what is a ministerial association, or what power has it to act, before, or in connection with an ecclesiastical council which does not belong to any and every individual member of the church or the community? We were surprised at the view which the committee appeared to have taken of their power and right to act in the case. One of them remarked, that "as a member of the Suffolk Association," he should state the truth, let it cut where it would. He was bound to state the truth, but not because he was a "member of the association." Let it be understood, that we do not find fault with the committee for presenting any charges or evidence which they might see fit to present. They had a right to do this if admitted by the council, but no other right than belonged to any one who had evidence in his possession against Mr. Fairchild. The association had a right to deal with Mr. Fairchild as a member of their own body, and to exclude him from it; but they had no power, *as an association*, to do any thing more. The appearance of the committee was, we think, evidence to those present that they were convinced of Mr. Fairchild's guilt; still it should be remembered, that their judgment must have been made up in the absence of important evidence. They knew nothing, it would seem, of the evidence from Edgecombe, before they went to Exeter.

We certainly do not wish to do the committee any injustice in saying that they had prejudged the case; we only say what has been told to us by their friends, and members of their association. We may be wrong, but we think their judgment in the case, and the course they pursued before the council, have done more than all the evidence that was adduced to place the accused in his present position before the public.

Another thing deserving of notice is, that before the council assembled, and during its session, the idea was kept constantly before the community, and before the council, that a bill had already been found against the accused by the grand-jury of Suffolk, and that his case was immediately to come before the court in Boston. The subject was talked over in the council, and the committee gave the council to understand, (informally it may be,) that the District Attorney was only deferring action in the case till the decision of the council was had.

Now we hardly need ask what effect such an impression must have had on the minds and proceedings of the council? It must have been greatly against Mr. Fairchild. Every effort to vindicate his course, or make his innocence appear, must have been made by the council, if made at all, under the fear of being convicted by the court of attempting to screen a guilty man from the just consequences of his guilt. This influence, we think, could not be slight on the minds of the council. They wished to do justice, but they had a commendable dread of covering up iniquity. And they were fearful that they should be thought to do so. This last is not said to their reproach, but simply as what we doubt not was the fact. It was evident, we think, to all observers, that this impression operated greatly to Mr. Fairchild's disadvantage before the council.

I will now go back a little, and inform the reader how, and by what influences, this girl was induced publicly to accuse me. She was then the unmarried mother of a child nearly two years old, as was well known by her friends in this city at the time. She had been excommunicated for her offence, from the Rev. William H. Shailer's church, in Brookline. The deacons of South Boston, as I have already stated, were greatly vexed and mortified at the decision of the referees. They could not well brook the shame and disgrace which justly fell upon them in consequence of the watching enterprise in which they had been engaged, especially as it harmed nobody but themselves. Since that attempt to injure me had proved such a signal failure, the deacons, as was very natural, were quite ready to listen to any new accusation, hoping that they should be more successful the next time. It so happened that Deacon Vinton very unexpectedly heard that a female, who once lived in my family, had become the mother of an illegitimate child. He was informed that she had never mentioned the father's name, but had intimated that he was a clergyman. This infor-

mation he speedily communicated to Deacon Drake. The deacon determined at once to ferret out the story. He soon ascertained who the girl was, and that she had formerly lived in the families of two clergymen,—first in the family of Rev. William H. Shailer, a Baptist clergyman at Brookline, and afterwards in my family. From this point I have the means of tracking the deacon's course by dates. On the 22d day of May, 1844, he went out to Brookline, and had an interview with Mr. Shailer, and learnt from him sufficient to confirm the story told him by Deacon Vinton. On inquiry, he ascertained that Mr. Shailer had suspicions in his mind resting on some one, but not on me. The deacon, however, soon gave him to understand that rumor had fixed the paternity on a clergyman in whose family she once resided, and as she had lived only in his family and mine, one or the other of us must meet the odium. The deacon then told him that suspicions rested on me, and gave his reasons. He plainly intimated to Mr. Shailer, that unless the disgrace were fastened on me, he would have to bear it himself. After some further conversation the deacon left, but returned again on the 29th of May, and had a second interview with Mr. Shailer. On the 4th of June, the deacon made his third call, and requested Mr. Shailer to go to Taunton, where the girl was then residing, to see if she would make any disclosure. Mr. Shailer stated to the council, that as rumor had involved him in the matter, he thought it due to himself to get her to reveal the whole affair. Mr. Shailer went to Taunton for this purpose on the fifth of June,—had a private interview with the girl,—asked her to disclose the matter to him,—told her that the facts ought to come out, and that the cause of religion demanded it. He

told her further, that "people suspected Mr. Fairchild, and they will take him up on suspicion, and you will have to go to the Police Court, and swear to it; and therefore it will be better for you to disclose it at once." But she said that she had done all she expected to do,—that she had taken an oath to say nothing on the subject, which oath she regarded as sacred. Mr. Shailer says he then asked her "if she would clear Mr. Fairchild?" She replied, "I will not clear any one." He then began to talk to her about the money she was to receive, and told her that there were individuals who would make up the amount to her. This argument had weight. She at once concluded to go with him to Boston, and then with him to his own house in Brookline, there to spend the night, to make her disclosures, and go back the next morning to the public-house in Taunton, where she was then living. Mr. Robbins, who then kept the public-house, says that within a day or two after her return, Mrs. Shailer called to see her,—took her into a private room,—read a paper to her drawn up by her husband, containing grave charges against me; and having prevailed on her to sign it, called in Mrs. Robbins to witness the signature. The girl was made to believe that she had now done all that she would ever be required to do, and that the threatened danger of being summoned into the Police Court to swear to it, was now gone forever, as she had disclosed what she was made to believe would save her from that painful necessity. After having signed that paper, she doubtless did not think it possible that there would ever be a grand-jury for her to face, or a council to meet, or a court to enter, in all of which to testify under oath that her lies were true. I will not undertake to decide which is the most guilty

party here,— the girl or her advisers. This is a question of casuistry which I much prefer leaving to the judgment of my readers.

Mr. Robbins, having been informed by his wife what had taken place, sought an interview with the girl, and expressed his astonishment at what she had been doing. I will here quote a portion of his testimony before the court: "I told her I did not see how, at so late a day, she should destroy herself before the public, for the sake of injuring Mr. Fairchild. I said to her, if Mr. Fairchild has done this thing, has he not done every thing in the way of compensation, like a man? She said, yes. I then said, how are you willing to throw yourself away? you might make something out of it yourself without injuring him. Said she, they give me as much again as Mr. Fairchild. Said I, who in the deuce are they? Said she, Mr. Shailer, and the deacons at South Boston. I said to her, they will make a fool of you, and never give you one cent. Said she, they secured it to me when I went to Boston with Mrs. Shailer, provided I secured the conviction of Mr. Fairchild."

The girl at that time doubtless supposed that the paper which she signed would secure my conviction, and that thenceforth she would have nothing more to do with the matter, but simply to receive the fifty dollars a year for ten years, which had been secured to her. That was the stipulated sum which was made sure to her by their written obligation, a true copy of which I have now before me, and which I will shortly present to the inspection of my readers. Whether she has punctually received her annual instalment of fifty dollars, I have no means of knowing. It is enough for me to know that the deacons kindly relieved me from all further obligation to pay hush-money.

Though I consider Mr. Shailer deserving of censure for the part he acted in this affair, yet there is something to be said in extenuation of his offence. I am perfectly willing to assume,—I do assume it,—that he is wholly innocent of any sinful connection with that girl, and that, in order to accomplish the very commendable wish of removing every ground of suspicion from himself, he was so frightened by Deacon Drake's statement that rumor had involved him in the matter, that he went further than was proper for a good clergyman and an innocent man to go. And I doubt not but that he is now satisfied that he has not acted towards me as it became one minister to act towards another in a reverse of circumstances. He is doubtless now sensible that in order to protect himself from undeserved reproach, he took too much pains to involve me in trouble and disgrace. But as Deacon Drake was to him an entire stranger at that time,—not knowing but that his representations might be depended on, or how full of enmity he was to me, and had been for years, and how ready to compass sea and land to effect my ruin,—not knowing these things, I say, I do think that at times, he has been judged uncharitably. All that I accuse him of is *hasty indiscretion*. But he will never do the like again. There is no more danger of it than there is of my paying hush-money again. He has been chastised as much,—perhaps more than he deserved. I know something of the rebukes which he has received from his own ministering brethren. I have not forgotten that Rhoda once told a female friend of hers, as was testified to in court, that when she inquired of her about the father of the child, she said the initials of his name she would find on her pincushion, and that she read thereon W. H. S. Now I say it, and I do truly believe it, that his anxiety to

screen himself under the circumstances, or the fact of his initials being on that pincushion, ought not to involve him in the least suspicion of moral guilt. With the kindest feelings I now take my leave of Mr. Shailer.

I will now return to the council at Exeter. In defending myself before that body, I proposed, first of all, to introduce some evidence to show that there was a combination or conspiracy on the part of my personal enemies in South Boston to destroy my reputation, and drive me from the pulpit. But the deacons anticipating that such would be my defence, in part at least, sent on a remonstrance, protesting against any such procedure, should it be attempted, as they were not present to defend themselves. The council heeded their remonstrance, and immediately arrested me in that part of my defence.

This remonstrance was presented and read by Rev. William W. Patton, my successor as pastor of the Phillips Church. The first part of it I will here quote :—

Whereas we have reason to believe that Mr. Fairchild, in conducting his defence, may attempt to bring charges or cast imputations upon us, deacons of Phillips Church, of which he was formerly pastor, this is to protest against your hearing any such charges or imputations, because we think it irrelevant to the case in hearing, which we understand to relate to charges brought by Rhoda Davidson, with which we do not consider ourselves connected, not having ever conversed with her or the other principal witnesses on the subject.

This is signed by their own proper names, Josiah Vinton and Jeremy Drake.

I had received intimations, before the council adjourned, that my enemies had bribed the girl to bear witness against me ; and it was evidence relating to this

point which I wished to introduce before the council on the morning of the day when they met to make up their result. True, the case was then closed, so far as hearing testimony was concerned; but as that evidence had just arrived from South Boston, and being of so much consequence, I was hoping that it might be admitted. I well knew that, according to forms of law in courts of justice, such evidence at that late hour was inadmissible; but as they had, during the whole trial, paid so little regard to legal rules prescribed for the guidance of civil courts, I did not think that they would then for the first time undertake to set up those rules as their guide. But a majority of the council, I was told, argued that the evidence did not amount to much, and that it was not best to receive it; and so it was excluded. After their result was published, other evidence of bribery came to light; and, finally, on the last Monday of November, 1844, Deacon Vinton called at the counting-room of Mr. Ebenezer Hayward, a member of the same church with himself, and proposed to him a certain question which he deemed very important, and which Mr. Hayward very readily answered. And now, says Mr. Hayward, "as I have answered you candidly, I want to ask you one question, which I wish you to answer as candidly. Will you?" "I will," was the deacon's prompt reply. "Well then," says Mr. Hayward, "I want to ask you if you ever signed a paper agreeing to pay Rhoda Davidson a certain sum of money upon the final conviction of Mr. Fairchild?" At this question the deacon was evidently a good deal embarrassed. Mr. Hayward perceiving it, immediately put the question in another form. He says, "I do not ask you, deacon, whether you are on such a paper *now*; but did you *ever* sign such a paper?" "I did, sir," was the deacon's emphatic

reply. The question was then asked him, "did Deacon Drake sign such a paper?" The deacon replied, "Deacon Drake must answer that question himself; I speak only for myself." And then he immediately added, "but mind you, we did not agree to pay her the money, unless she adhered to her first statement." All this the deacon said in the presence of three witnesses.

But this is not all. A kind Providence has put me in possession of a true copy of the very obligation which the deacon says he signed; and here it is.

Boston, June 7, 1844.

We, whose names are hereunto subscribed, do covenant and agree to pay annually in the month of October, the first payment to be made next October, for the term of ten years, from the date hereof, to ———, in trust for the maintenance of a child, born in September, 1842, of Miss Rhoda Davidson, formerly of Newcastle, Maine, the sums set against our names respectively, provided, nevertheless, that when the sum of five hundred dollars shall have been paid, that the payments shall cease, and provided also, that if the father of said child shall be ascertained, and an equal amount obtained from him, that this obligation shall be void.

Now this is only a confirmation of the girl's statement to Mr. Robbins, that she was hired by a promise of five hundred dollars to accuse me. This bribe led her to violate her oath to me, which she told Mr. Shailer she regarded as sacred, and which was morally as binding on her conscience as any other oath, and also to testify falsely before the grand-jury, and afterwards before the council at Exeter, and at last in the Municipal Court in Boston. She was induced to do all this by five hundred dollars promised and secured to her, as she said to Mr. Robbins, and which she assured him was twice as much as she should otherwise have received. And yet the

deacons tell the council that they did not consider themselves as having any connection with the charges brought against me! And this they said in a solemn remonstrance over their own signatures, bearing date July 24, 1844, when they well knew that they had signed an obligation dated the 7th of June, six weeks before, agreeing to pay fifty dollars a year for ten years! which obligation expired last October. The girl, too, stated to the council, "they wanted me to reveal because it would throw light on the subject, and cause people not to think so hard of the deacons at South Boston, who were suspicious of Mr. Fairchild upon some other affairs." And Mr. Shailer, too, said to the council, "Deacon Drake intimated to me that Rhoda should sustain no loss upon her communicating the facts." The promise of fifty dollars a year for ten years to a poor girl, one would think was a pretty strong intimation! And yet the deacons disclaim all connection with the charges brought against me on the ground that they had never conversed with the girl, or the other principal witnesses, on the subject. But does not the simplest child among us know that what a man does by his agent, he does by himself?

---

## CHAPTER IV.

I HAVE another instance of attempted bribery to mention, which perhaps may as well be done here. A few days before the council met, three gentlemen called on a Mrs. Brown, then residing in Waltham, and attempted

to hire her to sign a certificate to my injury. This female came into my family at the time Rhoda left, and remained with us about one year. They doubtless supposed that money would be equally influential on her. But they utterly failed. When my trial took place in court, Mrs. Brown was brought upon the stand by my counsel, Judge Warren, to testify to this transaction; but Mr. Parker objected, and Judge Washburn sustained him, on the ground that if what she was about to state had been said to her by any of the witnesses, it would be relevant; but as such was not the fact, it could not be admitted. But I have her deposition, taken under oath, and as it affords additional evidence of the wicked attempts of my enemies to destroy me by bribery, I will here give only the substance of it, to save time and space. She says that some time in the month of July, 1844, three men came to her residence in Waltham. She did not know them; but from her description of them, it was quite easy to guess their names; and before my trial in Boston, she had been able to identify two of them, whose names she would have announced to the court, if the judge had admitted her testimony. She says that one of them gave her a paper, which he wished her to read and sign. She did read it. It was a statement that she had witnessed some impropriety between me and Rhoda. She says he asked her to sign her name to that paper. I will now quote literally from her affidavit.

I told him that I could not in truth. He said I could. But I refused. He looked at the other men and said, "I guess we can make nothing here;" and then he said, "have not Mr. Fairchild's friends been here, and offered you money to say nothing about it?" I told him they had not; and if they had, I would not lie for Mr. Fairchild any sooner than for him. He then offered me one hundred dollars to sign said paper. I refused.

And then, in a low voice, he said, "finally, I will give you two hundred dollars if you will sign it. It is the mere scratch of a pen, and you cannot earn money so easy in any other way." I replied, "If I can't earn money easier, I cannot be any poorer than to die in an almshouse."

Their object undoubtedly was to induce her with this bribe to sign the certificate, and then have it presented to the council when convened at Exeter. But out of this snare the Lord delivered me; for if they had succeeded by their bribery in obtaining her signature, I know not how I could have met it before the council; so that instead of being suspended, I should doubtless have been pronounced guilty, and deposed from the ministry; a consummation so devoutly wished, and so anxiously labored for by the committee of the Suffolk South Association.

The doings of the council were so fully and extensively published at the time of my trial, that it is needless to go into a detailed account of those matters here. There are however a few things which I will mention in addition to what I have already said. I have spoken of the call from Mr. Riddel a few days before the council met, and of his apparent kindness and sympathy. I recollect I asked his advice about my employing a lawyer to manage my case. He wholly disapproved of it. He said that ecclesiastical councils were opposed to having lawyers before them, and that he believed it would have an unfavorable effect on the minds of the council, and prove injurious to me. He said that I could state my own case, and the more simply it was done the better, and that the council wanted nothing but the facts, and could make up their minds without any argument from legal counsel. And besides, said he, there is to be no lawyer employed by the other party. But when the

council met, and I saw the arrangements which the committee of the Association had made, — how that Dr. Adams was to open the case, and Mr. Riddel was to examine the witnesses, and Dr. Beecher to sum up the evidence, — my heart sunk within me. I was quite too feeble to be there at all; but when I discovered the design of the committee, the reader can better imagine my feelings than I describe them. The Hon. James Bell, an able counsellor and a parishioner of mine, being present as a spectator, was invited at the suggestion of one of the council to come forward and assist in the examination of the principal witness. Mr. Riddel immediately arose and objected, saying that if I had counsel they must send to Boston and get one. Not wishing to delay the council, I waived the matter, and after that the committee had things pretty much in their own way.

The committee of the Association and the members of the council put up at the same house, on the opposite side of the street from the lecture room where the council held their sessions; and at the same public-house, and seated at the same public table with the committee and the council, was the lying wanton who was there testifying against me under a bribe of fifty dollars a year for ten years, if she secured my conviction! The committee had frequent interviews with the council, and were frequently seen privately conferring with some of the leading members. And one gentleman told me that he overheard Dr. Beecher say to a very influential member, "you may as well depose Mr. Fairchild; for if you do not, some other council will soon be called for that purpose, as there are so many things coming out against him," — or words to that effect. He says he was on the point of stepping up to

him and saying, "Sir, it is well for you that this council is not a jury; for if it were, I would have you put in jail for tampering with them." To all intents and purposes they were a jury, and that some of them were tampered with, who can doubt?

Another thing very observable was the marked attention which the chairman of the committee paid to Rhoda. I saw her with my own eyes entering the lecture room leaning on Mr. Riddel's arm, and the neighbors told me that they saw them cross the street from the hotel to the lecture room, and as one lady expressed it, "in the most lover-like manner, arm in arm." He could scarcely have treated her with more attention if she had been a lady of spotless purity and virtue. And yet what was she, according to her own showing, let me be what I might? Yes, when she was publicly proclaiming her own shame without a blush, he was gallanting her through the street to show the spectators and the members of the council where his sympathies were, and what he had come to Exeter for. Mr. Munroe, in another part of his review, says:—

The committee, we know, appeared to have the greatest confidence in the girl's veracity, which may greatly have helped her in her appearance before the council. She would be strengthened, on the supposition that the whole were a conspiracy, by such confidence. She found herself upheld by men whom she knew to be capable of making a deep impression on the council and on the public. She was caressed by Mr. and Mrs. Shailer, and walked repeatedly arm in arm with Rev. Mr. Riddel, to and from the lecture room where the council held their session. Under such circumstances she could easily be bold and unflinching. But how the council could give so much weight to her testimony, in view of all that appeared against it, much of which might be unknown to the committee when they formed their judgment, we do not understand.

In view of the whole case, we, as an humble individual, and there are many who agree with us, think the council had but

one proper course left for it to take, and that was to adjourn and let the matter rest till there was further evidence.

.And as though this were not enough to render my condemnation certain, just as the council had finished the examination of witnesses on Friday evening, and were in the very act of adjourning over till Monday morning at 10 o'clock to meet and make up their verdict, Mr. Adams came forward to testify — to what? — to facts? — to any confessions or concessions which I had made? Not at all; but to *impressions*. He came forward of his own accord, and presented himself to be sworn. And he was sworn. He came forward, too, when all the testimony was said to be in on both sides. If he had any thing to testify to, he should have come forward with the witnesses on the other side. He took it upon himself to make a speech or argument against me *under oath*, as soon as my witnesses were all through. What an outrage upon all the rules of evidence ever known under any law, civil or ecclesiastical! Poorly prepared as I was for trial, still before he thus testified, my evidence had turned the current of feeling in my favor. This was noticed by all. It was noticed by Mr. Adams. And he meant to turn back that current. And he succeeded, not by evidence; for he had none; but by his solemn manner in testifying to his impressions. When he had finished his speech, or argument, I saw that the work was done. I was then just as well convinced of my fate as I was after the result of council was made known to me. And my only surprise was that there were so many as six members of the council who remained firm, and determined not to convict on *impressions*, but on *evidence*. I have never conversed with a single individual who witnessed that transaction, who did not say that that one act which was neither

according to law nor gospel, did more to convict me than all the testimony of my accusers.

The council then adjourned over till Monday morning, there being no argument on either side except the one just made by Mr. Adams under oath. The next morning, before leaving Exeter for Marblehead, where his family were then tarrying, Mr. Adams called on me. I said to him, "Brother Adams! how could you have so misapprehended me as to testify as you did last night? I was not aware of having made any such impressions on your mind. Why did you not come to me for an explanation?" He replied, "Well, I think I hurt *myself* more last evening than I did *you*. And I have come in this morning to tell you to take courage. They have now got to the bottom of the well; and if they don't condemn you now you will stand higher than you ever did. And if they should condemn you, don't despond; for if you are innocent, God will yet make a way for it to appear." And after saying some other consolatory and encouraging things to myself and wife, he took his leave, and as he arose to go, the last words he uttered, as he closed the door, were, "do write me, brother." He then took the cars for Marblehead, and Monday morning I received from him the following letter: —

MARBLEHEAD, July 27, 1844.

MY DEAR BROTHER, — On my return, and after reflecting upon all that I have heard and seen during this eventful week, I feel constrained to write you a line. My interview with you at your request and that of Mrs. F. at your house this morning, deepened the feelings of sympathy which I thought last evening could not possibly be exceeded. I feel prepared to do or suffer any thing for you in any event. However you may prove to have acted, right or wrong, the feeling which will ever govern every other, will be that of tender sympathy, weeping for your injuries, if you prove to be innocent, or weeping at your fall.

I have no knowledge of the prevailing opinion of the council.

My surmises would not influence me, even if they were stronger on either side, in what I am about to say to you. I am writing this for no one ever to see but you. I write this, and may you read it with prayer to the all-seeing God.

I am writing on the supposition that, notwithstanding all that has been said, you, my dear brother, have had criminal intercourse with R. D. Whether you have or not, God, and you, and she only know.

Now suppose that the council declare that, in their opinion, you are guilty. You will have this alternative presented to your mind, in case you are guilty, (namely,) to lie about it, or to confess it. To lie about it will be to carry the wrath of God in your conscience. To confess *then* will be to have doubts yourself, it may be, and to excite doubts in others, of the genuineness of your repentance. You will repent, if at all, by constraint, which will always injure you.

While you are reading this, and within a few hours subsequently, that is, before the result of the council is declared, you have an opportunity for repentance and confession, such as you can never see again. You can repent now, uninfluenced by the fear of man, ignorant of what the council will decide, and not knowing but that they will clear you. It is in your power now, by the grace of God, to address a letter to the council while in session, which, as an illustration of a broken heart and contrite spirit, may do more good through all time, than your misconduct may have done harm. O what infinite importance hangs about you and your decision, during the session of the council! As soon as they declare the result, the opportunity is gone forever. You can, of course, repent afterwards, and be forgiven; but you can see, my dear brother, what unspeakable importance attaches to a repentance exercised, and a confession made at a moment, when nothing but the fear of God and sincere sorrow may appear to have influenced you.

There is another consideration. If you are unjustly acquitted, your betrayed and ruined victim will be the object of persecution, and no one knows of what suffering. God knows if you robbed that poor girl of her virtue; and now if you, her destroyer, are the instrument of further injustice and suffering to her, what punishment can avenging justice find for you commensurate with your wickedness. I would stand before you, dear brother, in your path, and beseech you, by the mercies of God, not to suffer yourself to be unjustly acquitted. The greatest wrath which God may provide for you may be to let you be acquitted, though a guilty man. You hope to be acquitted. My

dear brother, woe to you if you are acquitted, if guilty. Prevent it while you may.

You will say, "what a hypocrite and liar the world will call me if, on a dying bed, as I or they supposed, I said I was innocent when I was guilty!" Let the world know how bad you were. By your dreadful experience warn men, as you will, of the tremendous effects of guilt on the heart and soul. You may thus be a means of good which cannot be measured, — an everlasting rock with a light-house on it, amidst the surges and storms of the sea. You may save more souls thus, than you have done, or may do by any other means. But all depends, perhaps, on your acting right before the council adjourns.

Now if you are innocent, all this has no weight, of course, except to increase your load of sorrow. But if otherwise, (and all the testimony on your side, and all your asseverations, do not remove my first impressions that you are otherwise than innocent). O, take the advice of one who loves you, and will rejoice in heaven with you at the infinite grace of God. Do you need any thing to open the way for you before the council? Use this letter for that purpose, if nothing else occurs. Send for two of them and confer with them. And, relying on that blood which was shed for you and me, give yourself up to Christ to magnify the grace of God. Every moment may be important. I will believe that God has great mercy and a great work for you. Consider poor exiled Dr. F. If guilty, you may ever be like him, useless and lost, unless you come forward to confession.

But if you are innocent, have courage, my dear, *dear* brother. God will glorify himself by you as yet, and you will yet praise him, and your enemies will be found liars unto you, and you will tread upon their high places. In love, and prayer, and hope,

Most affectionately and truly yours, N. ADAMS.

The reader will judge how consoling this letter must have been to myself and wife, from whom he had just taken his leave with such kind and gracious words of encouragement. He had been speaking comforting words to me, telling me not to despond, but take courage; and now in a few short hours, he urges me by all his eloquence, and pathos, and tears, and anxiety for my greater success in saving souls, and particularly by his tender affection for me as his dear, *dear* brother,—by

.

all these moving and melting considerations, he urges me to go *immediately* (for the least delay may be fatal, and prove perdition to my soul,) into the council, and *confess myself a liar and a hypocrite!* I dare not trust myself to make any comments on this letter. I much prefer that my readers should be their own commentators. I might put a very erroneous construction on it; for I was once telling a clerical friend of his what I thought of it, and I found that his views were widely different from mine. "When I read that letter," said he, "I thought that Mr. Adams must have been inspired in writing it." That gentleman was then a warm abolitionist. I should like to ask him now whether he thinks that Mr. Adams was inspired when he wrote his recent book on slavery?

I ought to have mentioned on a preceding page, that during the session of the council, Deacon Drake, and others from South Boston who sympathized with him, were present a part of the time, mingling with the council and the spectators; and after their departure I heard for the first time the story of my having once had an infamous disease,—which story, I was told, was confidently asserted as true by Deacon Drake, who referred to Dr. George Hayward, of Boston, as his authority! What influence this report had upon the council in their result, the reader can judge.

With the return of the council on Monday morning came two of the committee, Messrs. Riddel and Beecher, Mr. Adams doubtless thinking that he could do more service by his letter than by his presence. And why were they there during the secret session of the council for two days, when no further testimony was to be admitted, and their specific work was done? But there they were, putting up at the same hotel with the council, and conversing with the members at meal-times, and

during their recesses. Considering their known object in being there during the *open* session, can any one mistake their object at the *secret* session? I would carefully refrain from hastily ascribing unworthy motives to these gentlemen. But all will admit that they must have had some object in view. And can any one suppose that their presence there at such a time could have been for my benefit? It seemed too much like lawyers mingling with the jury after having plead the cause of the plaintiff, and before the verdict was made up and declared.

On Tuesday, at 5 o'clock, P. M., the council came to the following result:—

The council feel compelled to express their deep conviction that Mr. Fairchild cannot be innocent in this matter; and that, unless he can present a clearer vindication of himself before some tribunal more competent than ourselves to compel the attendance of witnesses, and the utterance of all the truth; and till such act be done, he ought not, and, so far as our decision goes, does not, longer hold the place of a minister in the church of Christ.

If I have been correctly informed, the minority made strenuous efforts to bring the council to vote directly on the question which they were called to settle,—that is, guilty, or not guilty. They were not called there to suspend me; but to acquit, or condemn me. I have repeatedly been told that very few, if any of that council, would have voted me guilty, notwithstanding the unwearied efforts of the committee of the Suffolk South Association to induce them to render such a verdict; but for suspension the majority was large. The following gentlemen voted to acquit me, namely, Dr. Burgess of Dedham, Dr. French of North Hampton, Dr. Perry of East Bradford, Rev. Mr. Hopkins of Saco, Rev.

Samuel W. Clarke of Greenland, and William P. Haines, Esq., of Saco. Rev. David T. Kimball and his delegate from the church in Ipswich, were absent. As they had heard all the evidence, had they been present they would have voted with the minority. Mr. Haines was a lawyer, distinguished for the clearness of his mind and the soundness of his judgment, and fully acquainted with the nature of evidence, and whom I never saw till I was introduced to him in the lecture room at Exeter, and never had one moment's conversation with him till Saturday morning after the testimony was all in, at which hour he called on me, and spoke a few kind words, and assured me that if that case had been given to a jury on such testimony they would have acquitted me in ten minutes.

The result spoke for itself. It was a suspension from the ministry till I should go to some more competent tribunal, — that is, to a civil court, and be there acquitted. When that act was done, my restoration to office was immediate; but till then, I was to remain out of office. Everybody so understood the result; members of the council assured me that I had nothing to do but to go to that civil tribunal, as recommended by the council, and obtain a verdict in my favor, in order to reinstate me in the ministry. In other words, they had made their final verdict depend on the verdict of a jury. And I acted accordingly, believing that they meant to carry out in good faith what they had virtually pledged themselves to do.

## CHAPTER V.

BEFORE the council adjourned the moderator and scribe were directed to furnish a brief statement of the doings of the council for publication. In the discharge of this duty, these gentlemen issued in a few days the following communication, published in *The New England Puritan*. I take from it the closing paragraph :—

We trust we do not transcend our commission, when we state that a number of the brethren at least who appear in the negative, appear there not because they deemed Mr. Fairchild proved innocent, or believed that he ought to have been acquitted; but because they supposed that some further testimony might possibly be obtained which would go to set his case in a less unfavorable light, or because their minds were not so clear in the case as to warrant them in immediate decisive action. Justice to those brethren requires this statement. But as no request was preferred by Mr. Fairchild for any further hearing, or for the presentation of any further testimony, and as five days had been consumed in the business of the council, the majority above mentioned, judged that they were in possession of the essential facts, and that the action specified in their result was required of them. Should another tribunal elicit new facts, and put a new face upon things more favorable to Mr. Fairchild, none will more gladly hail the light than those who have now felt constrained to vote against him. Should evidence be produced affecting his entire exculpation, and setting him forth to the world as an innocent man, they would haste with unutterable joy to reverse their present decision, and reckon him again among the faithful followers of Jesus. But till this act be done, they abide by the act they have passed.

The subscribers consider themselves as expressing the views of the council in these remarks.

DANIEL DANA, *Moderator*.  
L. F. DIMMICK, *Scribe*.

The next week after this communication appeared, the following note was published in the same paper: —

[To the Editors of the New England Puritan.

GENTLEMEN :— We, the subscribers, members of the ecclesiastical council lately convened at Exeter, New Hampshire, in the case of Rev. J. H. Fairchild, having seen a communication of Rev. Dr. Dana and Rev. L. F. Dimmick in your paper of the 9th inst., respecting the case of Mr. Fairchild, deem it proper to submit a few remarks thereon.

If the gentlemen who wrote that communication had confined themselves to the duty with which they were especially charged by the council, that of "furnishing a brief statement of the *doings* of the council for publication," we should be spared the necessity of making any remarks. But they, in our humble opinion, have gone beyond their instructions. They, as members of the majority, have undertaken without authority to give the opinions of the minority,—not content that the minority should speak for themselves *in the vote they gave*. We cannot consent to be misrepresented in this matter. *The vote which that minority gave shows their true sentiments. That vote negates the decision of the council. That vote the minority gave deliberately, and they are willing the world should know it.* And as for ourselves, we feel called upon to say, that we cannot but express our surprise that our views should have been so misunderstood, for we think we were very explicit in making them known to the council, and that on more than one occasion. So far from *supposing*, as stated by them, "that some further testimony might possibly be obtained, which would go to set his case in a less unfavorable light," we did, and do now still more strongly believe, that much further testimony might *undoubtedly* be obtained, which would not only set Mr. Fairchild's case in a more favorable light, but which would force a council or a jury to acquit him. In this opinion, we, like all men, may be mistaken. But such is our opinion, and upon it we have acted.

We wish further to state, that the council were distinctly and repeatedly informed, while in secret session, that important evidence in his behalf, not yet heard by them, was at hand; that Mr. Fairchild believed he could also produce further testimony which would at least have an important bearing towards his acquittal, provided the council would suspend their decision and grant him the necessary time. It was also as explicitly stated that it was Mr. Fairchild's earnest wish that the council would

allow him this favor. Yet without noticing this statement, or the wish of Mr. Fairchild, they came to their decision. We will not take it upon ourselves to expound to the public the views of the majority, nor even to take the same liberty with regard to the other members of the minority, — but, will only add that the statement of the gentlemen in question is a misrepresentation throughout of the views of the undersigned; we did not believe Mr. Fairchild guilty, we do not now believe him guilty, and we have faith that ere long his innocence will be made to appear to all.

Yours, respectfully,

SAMUEL HOPKINS,  
WM. P. HAINES.

Saco, Maine, August 12, 1844.

In the *Puritan* of the following week, if I remember correctly, appeared the subjoined note: —

[To the Editors of the New England Puritan.]

GENTLEMEN, — The doings of the council on the case of Mr. Fairchild being still before the public, will you allow us also to speak for ourselves? We are of the minority in the final act of that council.

We did not consider Mr. Fairchild *clearly proved* to be innocent. We did not consider him *at all proved* to be guilty. The case did not appear sufficiently clear to warrant immediate decision. If a decision must *then* be made, we viewed Mr. Fairchild as having a right to acquittal, because not proved to be guilty. Such were and are our views of the case. And on this we felt and expressed a wish that our views should be known.

In regard to the result. On the short article dissolving the relation of Mr. Fairchild to the First Church in Exeter, in accordance with his own request and their concurrence, the council were unanimous. With the other part of the result, we were and remain entirely dissatisfied.

The matter of a *conspiracy* against Mr. Fairchild was not the point at issue; and being introduced as part of his defence, was, after considerable progress, arrested and submitted on the ground that persons implicated were not present.

The testimony of the principal witness in the case we consider *substantially invalidated*, and that it was not corroborated by the testimony of other witnesses, or Mr. Fairchild's admis-

sions and published letter. We *had* no conviction, and *have no conviction that Mr. Fairchild cannot be innocent in this matter*; and we could not accede to the sentence deposing Mr. Fairchild from the ministry on the *assumption* of his guilt. To us it seemed proper and sufficient that the exercise of his ministry should be suspended while his character remains in suspense in the public mind.

It has been said and made the subject of much conversation, and with not a little effect, that Mr. Fairchild, when favorable opportunities were repeatedly given to declare himself to be *innocent in this matter*, made no such a declaration. To us at different times he made such a declaration, averring that he did it without any evasion or mental reservation, he declared that he never had had any criminal connection, that he never had had any sexual intercourse whatever with the person known to the public as the principal witness in this case. This declaration, of which there is evidence, he also made in other forms of expression entirely unambiguous.

While so freely expressing our own views on the result, we hold in very high esteem the large majority from whose decision we felt constrained to dissent. But allow us to say, it appeared to us that patient as the council had been in almost five days of session, their result was made up at last in undue haste.

Yours, very respectfully,

JONATHAN FRENCH, of North Hampton, N. H.  
S. W. CLARK, of Greenland, N. H.

Rev. Drs. Burgess and Perry deeming that their sentiments were so well known on the subject from the prominent part which they had acted in the case, I presume they thought it unnecessary to publish any note to correct the mistake into which the moderator and scribe had fallen.

The editors of the *Puritan*, in their first paper after the adjournment of the council, and in which they published the result, published also an extract from an anonymous letter, which they introduced on this wise: "We are permitted to make the following extract from a letter by a gentleman of high character, who was present at the trial, and is familiar with the case. It was

written in this city to a friend in another part of the State." A part of that letter I will here quote.

"The long conflict is over. The triumph of truth and justice is gained. The council at Exeter brought in their result yesterday between five and six o'clock to convict Mr. Fairchild of all the charges. The vote stood nineteen to six. The six who did not concur, are not to be understood as voting for his acquittal. The verdict is virtually unanimous; and that of the public, I may say, entirely so. Great indignation is felt in view of the details of the case; and although Mr. — came to me at Exeter after the decision, and said that if Mr. Fairchild's friends would now rest satisfied, he thought the prosecution might be stopped, and that he should advise it; still I find this morning some of our best citizens earnest for a continuance."

Will the reader believe me when I assure him that this letter was written by Rev. Samuel H. Riddel, chairman of the committee of Suffolk South Association, who gallanted Rhoda so politely to and from the lecture room at Exeter, knowing well what she was from her own lips! Yet, so it was. I am ashamed to record it. That extract gave me more pain than any and all the pieces which I had ever seen published on my case, coming as it did from such a source. I was apprehensive that an officer might come unexpectedly from Boston to arrest me as a criminal; and to be taken to that good city where I had spent more than fifteen years, — and formed such an extensive and valuable circle of acquaintance, — where I had so often occupied the best pulpits and preached to the most respectable congregations, — to be taken there as a criminal and conducted through the streets by some officer of the police, to jail as a felon, knowing, as I did, that I no more deserved such treatment than the author of that letter, — this was more than I could well endure. But I had friends in Exeter, — the best and the kindest friends, who could see noth-

ing in the testimony before the council to convict me of crime, while Messrs. Riddel, Adams, and Beecher could see enough to make me out the wickedest man that walked the earth. But the best of all earthly friends was my wife. I was so excited on reading that extract, and so totally unprepared to go to Boston for trial, which I had already determined to do as soon as my legal counsel should see the way properly opened, that I made immediate arrangements to leave Exeter, and go to the White Mountains, requesting my friends to keep the matter private as to the place whither I had gone, and desiring them, if a requisition should come from the governor for my arrest to notify me of it, and I would then go to my daughter's in Detroit. Accordingly one of my parishioners took me in a carriage on Saturday evening and carried me some distance beyond Dover, (I have forgotten the name of the place,) where we arrived on Sabbath morning between two and three o'clock. He left me at the public-house where I spent the Sabbath; and as no stage passed that way till Tuesday afternoon, I remained there till one arrived. My son was on the stage having charge of my trunk, and going with me to the mountains. The stage was full; and as I supposed that I should at once be recognized by some of the passengers, who I thought had probably read that extract in the *Puritan*, I went out to take my seat in the stage with feelings which the reader cannot need me to describe. I cast my eye into the stage, and saw no one that I knew, and none appeared to know me. This was some relief to my troubled mind. But the stage was full, so that I took the top seat, on the left hand, my son on the right, and a stranger next. We had not gone far, before my son whispered to me, and said, "this gentleman knows you, father." I then addressed him,

and inquired if he knew me. "Yes, Sir," said he. "And though I belong to Mr. Kirk's church, I have often been to South Boston to hear you preach; and I would go again to hear you with just as much pleasure as I ever did." I thanked him for his kindness, and then told him that I was fearful I might be insulted, — perhaps roughly handled while on my present journey. I shall never forget his reply. Said he, "I am going to the White Mountains myself; and if any man should attempt to maltreat you while I am with you, he must pass over my corpse to do it." He then showed me an article in the *Times* of that morning, which spoke very kindly of my case. And I could not but contrast its spirit with that of Mr. Riddel's article in the *Puritan*; the one conducted by stanch professors of godliness, and the other, by gentlemen making no special pretensions to religion by an open profession; the one inflicting indescribable pain, — the other imparting a soothing balm to my anxious and bleeding heart. He assured me that public sentiment was greatly in my favor. On my arrival at the mountains I was recognized at once; yet I received the kindest treatment. I spent a few days there, and on my return, I went by the way of Saco, to spend a few days with Messrs. Hopkins and Haines, who had been members of the council at Exeter, and were among the immortal six, as I am accustomed to call them, who voted for my acquittal. While I was there Mr. Riddel came into the town and spent the night with Mr. Hopkins. In the morning he called at my room, conversed very pleasantly with me for fifteen or twenty minutes, and when he arose to take his leave, he kindly invited me to visit him whenever I came to Boston! And yet two weeks had not elapsed since he allowed the above extract to be published in the *Puri-*

*tan.* I had not then even suspected him as the author. There he was inviting a man to call and see him, whom he believed richly to deserve a home in the State prison, as having "been proved guilty of all the charges brought against him." He was not satisfied with my being suspended from the ministry, and the disgrace thus brought upon my wife and children as dear to me as his own could have been to him, and depriving me too of the means of feeding and clothing them; but he must represent "the council as virtually unanimous, and the public as entirely so." When I ascertained that he wrote that letter, I could not help exclaiming, why this anxiety to crush and destroy me? Have I ever done him any wrong? Have I been a disgrace to the ministry on a standing in it of more than thirty years? But I had no heart to comment on such feelings and wishes indulged by a minister of that Gospel which enjoins mercy, forbearance, and kindness, even to the guilty. Can any one censure me for exclaiming, in the language of Job, "My brethren have dealt deceitfully as a brook!"

Having made up my mind to meet the indictment in Boston, I foresaw that the expenses must be great, and that they could not be met on credit, or the charity of friends. I then owned a house in South Boston, at least I had a deed of it, while in equity it was my wife's. On consulting her, she at once advised to sell it, and spend the whole amount, if necessary, for my deliverance out of the unhappy position in which I then stood. For, said she, "you will certainly be acquitted; and then those brethren who have deserted you, will rally around you,—pulpits will be again open to you,—public confidence restored, and you will yet labor successfully, be spared to do good, and provide for your family, so that we shall not suffer from hunger, or cold, or nakedness."

Alas! she little thought what a different course some of my brethren would take in case of my acquittal. I will here state how that house came into my possession. When I received my call to settle in Newburyport, among other inducements for me to remain in South Boston, several of my parishioners proposed to build me a dwelling-house in part at their own expense, to be regarded as virtually the property of my wife and children, that they might have a home in case death should remove me from my labors. I remained, and the house was built. This was in 1834. When I took possession of the house, there was a debt on it of about two thousand dollars, which I raised by mortgaging the property. As often as I could make a payment, the gentleman indorsed it on the note. By saving a little from my salary, and by donations from friends in the city directly to me or to my wife, I made the last payment in the spring of 1842, just before I took my dismissal. This house was all my earthly substance. When I proceeded to make sale of it, I found, to my utter astonishment, that there was an attachment on it to the amount of twelve hundred dollars, when I was not indebted one mill, as Deacon Drake well knew; and yet he or his coadjutors caused that attachment to be levied in the manner now to be stated. Two of the gentlemen who had been my most liberal benefactors in the erection of that house, suggested the propriety of my giving them a bond, obligating myself to refund to them what they had given, in case I should receive a call from a wealthier church, and the offer of a larger salary, and deem it my duty to accept. I immediately wrote the obligation, which closes as follows :—

I hereby promise, that if ever I ask a dismissal to become the pastor of any other church, or voluntarily leave my present

station to occupy another, either as pastor or teacher, I will refund to the above-named gentlemen six hundred dollars each. But it is distinctly understood that nothing is to be refunded in case I am taken off from my labors by sickness, or infirmity, or death.

In 1836 one of these gentlemen deceased. Deacon Drake administered on the estate. He found this obligation among the papers of my deceased friend. He saw from the terms of it that I was not indebted to that estate. But notwithstanding the estate had been settled for years, yet as soon as he gets hold of the Rhoda affair, he goes to his neighbor, Mr. Stephen Jenny, with whom I had about that time exchanged houses, and inquires of him whether there had been an exchange of deeds, adding that there was to be an attachment levied on my house, and he wanted to know which house to attach. Either then or in a subsequent conversation, he said to Mr. Jenny, "Perhaps you think that we have dealt hardly by Mr. Fairchild; but you will find out by and by that we had reason for doing what we have done," or words to that effect. I had agreed to refund if I left the church *voluntarily*; and yet here was Deacon Drake attempting to make the obligation binding, when he had been engaged in *driving* me away. The deacon, too, was anxious to make me refund when he well knew of my sickness, and had every reason to believe that his unkind treatment of me was the principal cause of it. He knew from every one of the conditions of the obligation that I was not indebted to that estate. And yet the attachment was levied. But no attempt was ever made to bring the case into court for trial, though my enemies contrived, by postponement from time to time, to make me a great deal of expense and trouble. I sold the house for \$3,675; and when the jury brought in their verdict of not guilty, I had expended not far from

\$2,000. And all the rest, and more than all, has since been spent in self-defence.

In September, after the council had suspended me, Mr. Ebenezer Hayward, a former parishioner of mine in South Boston, came to spend the night with me. Before leaving the city, he says that he called on Dr. Adams, and told him that he was going to Exeter to advise me not to deliver myself up for trial in Boston; for though he believed me innocent, yet so powerful was the combination against me here, that there was danger of my being convicted by the jury and sent to Charlestown, and that I had better retire, and die a martyr. He says that Mr. Adams objected strongly to his giving me any such advice, on the ground that it was my duty to come, — a duty which I owed to myself and the ministry; for, said he, "I myself may be the next victim. And tell him that if he will come and submit his case to a jury, and is acquitted, my pulpit shall be opened to him for the first." Mr. Hayward did come and give me this advice. But I would not listen to it a moment. I assured him that if God spared my life, I should in due time come to Boston, as Mr. Adams had advised, and cast myself on God and the laws of my country for protection; for I was an innocent man. Mr. Hayward says that he returned and reported to Mr. Adams what I said, and he highly approved of it, and renewed his pledge of opening his pulpit to me in case of my acquittal. How he has redeemed his pledge, the sequel will show.

## CHAPTER VI.

IN December, 1844, I published my pamphlet, "IN-IQUITY UNFOLDED." It proved something like a bomb-shell thrown into the camp of the enemy. The facts there disclosed were too true to be controverted, and too cutting to be patiently endured. In order to let the public know, not only that I was going to meet the indictment, but was ready to prove the truth of my statements, I announced my design in my pamphlet in these words:—

When my case comes on for trial in Boston, I shall beg the court for liberty to put the truth in evidence. And if I am then convicted by the jury, and the judge sentence me to the State prison, I submit. And even in that confinement and disgrace, I should deem my condition far preferable to that of my enemies and persecutors, who may be roaming the world at large. Of a clear conscience in this matter they cannot deprive me; neither can they take from me the confidence of my wife and children.

The first meeting of the Suffolk South Association after the publication of my pamphlet, was held on the 7th of January, 1845. They then passed, after much exciting discussion, that untruthful and unfortunate preamble and vote, which has been the occasion of so much unpleasant controversy and expensive litigation. That preamble and vote, while I am now writing, Feb. 22, 1855, stand on their book of records unrescinded. They are as follows:—

*Whereas* an ecclesiastical council, held at Exeter, New Hampshire, in July last, for the purpose of hearing and examining charges against the moral character of Rev. Joy H. Fairchild, a member of this Association, and at that time pastor of the

First Church in Exeter — at which a committee of this Association was present — did, by their result, declare Mr. Fairchild to be guilty of the crimes alleged against him, and therefore proceeded to depose him from the ministry. And

*Whereas* Mr. Fairchild having denied the truth of said allegations, did persist in such denial to the last, and claimed that evidence in his favor was in existence, not then to be obtained on account of the absence of a witness; and

*Whereas* this Association having waited till the present time, to give opportunity for further developments in the case, and in the mean time having seen and interrogated the witness referred to, and carefully attended to certain publications put forth by Mr. Fairchild since his trial, are now satisfied that no valid evidence has appeared of the character claimed by the accused; therefore,

*Voted*, That Mr. Joy H. Fairchild, for the crimes of seduction and adultery charged and proved upon him before an ecclesiastical council at Exeter, and for falsehood in denying the truth of these charges when brought against him, and in still persisting in such denial, *be*, and he *is* hereby, separated from his connection with this Ministerial Association.

This was the report of the committee that went to Exeter, and exerted themselves so earnestly and unadvisedly to procure my deposition from the ministry by the council. It was probably drawn up by Dr. Adams; but urged, not only by him, but by the other members of the committee for adoption by the Association. In vain did Dr. Burgess protest against it as false in fact, and false in principle. They would listen to no argument. They were determined (especially Dr. Adams) that their report should be indorsed by the Association. Notwithstanding they had just seen my public announcement that I was coming to Boston for trial in court, as the council at Exeter had recommended, they would not wait a single month to ascertain whether I meant what I had said. In fact, it was urged by one of the committee, as I was told, that I was such a liar that there was no dependence to be placed on any thing

which I might say. But, finally, as there was so much opposition to the course which Dr. Adams and the rest of the committee so strenuously advocated, it was at last voted to place the report upon the records, with the understanding that no public notice should be given of it till after I had had my trial, (which the committee said that they believed would never take place,) and if it so happened that I should be acquitted, the record could then be easily set right. And so it was entered upon their book January 7, 1845. And in four days after, the fact of my expulsion from the Association was thus announced in the *Daily Mail*. "We understand that the Rev. Joy H. Fairchild was deposed as a member by the Suffolk South Association of ministers at its last meeting." This was done by the committee, I presume, partly to forestall public opinion, so that the jury might know, in case I came on for trial, what those thought of me who had been my associates in the ministry, and therefore presumed to know me best; and partly to get the Association to record that the council had done the very work which their committee went to Exeter to have them do, and which they doubtless thought the council was recreant to duty for not doing. How the Association could commit so great a blunder, to use no harsher term, as to adopt the report of their committee, having, at the same time, before them the result of the Exeter council, is to me totally inexplicable, except on the ground that they were prepared to adopt *any* report which that committee might recommend. A copy of that record they never forwarded to me; and it was by the merest accident that I learned, more than four years afterwards, (that is, in April, 1849,) what the substance of that record was, and in May was furnished at my written request, with a certified copy. But more about this matter in another chapter.

There are two statements in this preamble which I may as well notice here, as the rest will be more appropriately noticed in another place. The first is where they speak of "having seen and interrogated the witness referred to." This witness was the father of my accuser. I received a note from Mr. Riddel dated October 18, 1844, in which he says:—

Mr. Davidson being providentially in Boston at the time of the meeting of the Association, was invited to come in, and to communicate what knowledge he had upon the subject. He did so. But as his statements did not, in several important respects, agree with yours before the council, it seemed suitable that you should have an opportunity of confronting him in person, if it should be your wish to do so.

Perhaps the best way to show what Mr. Davidson's testimony was worth, will be to quote a portion of the evidence of Mr. John Dodge, who was Mrs. Davidson's brother, and living in the same neighborhood. I was informed at the time of the trial in court that Mr. Dodge was one of the most respectable citizens in Edgcombe. He relates a conversation which he had with Mr. Davidson on the subject in February, 1843, more than a year before the promise of money was made to Rhoda to induce her to accuse me. He says that the conversation took place while they were at work together in the barn dressing flax. After Mr. Davidson had given a description of his journey to Boston to see me and get some money, he states to Mr. Dodge his interview with me and what passed between us. He states what I told him I said to his daughter when she came to me for money. And here I will quote literally from Mr. Dodge's testimony as given in court:—

Mr. Fairchild then said he told her he was a poor man,—that the charge would ruin his family, and he had rather pay

money than be accused. She demanded the money and he agreed to pay one hundred dollars then, and one hundred within a year ; and though the time had not come for the second sum, he would try and raise it, provided it could be kept a secret. The money was paid. Then old Mr. Davidson said to Mr. Fairchild, "You have now settled with my daughter. You must now settle with me." Mr. Fairchild said, "This is *hard*, this is *unjust*, this is *cruel*; I am an *innocent man* ; but I had rather pay the money than be ruined ; but I am innocent." Said Davidson, "Whether you are innocent or guilty makes no difference. It shall be laid on you if you do not come to my terms." Mr. Fairchild, after protesting his innocence again, agreed to pay three hundred dollars in yearly payments. Davidson closed by saying that Mr. Fairchild was a nice man, a true gentleman, and he believed him a humble Christian. I am a member of the Congregational church.

This is the witness who was "seen and interrogated" by the Association in secret conclave, with no one to cross-examine, — his hearers listening with willing ears to any body who would confirm them in their opinions already formed, — interested in defending his daughter, especially as he was to share in the promised reward, and as it was then too late to get any more money from me, and as the deacons must inevitably come forward and assume the responsibility, as they had given their written obligation to do, unless the real father could be found and the like sum be obtained from him ; but this they were likely to find to be quite a difficult task, especially after the evidence came out in court that the girl herself had said that it "would puzzle a Philadelphia lawyer to tell." And then as to his testimony afterwards in court, if it weighed any thing with the jury, it was in my favor, as every one said, who heard it without prejudice. Yes, here were clergymen listening to such a witness, and on his testimony condemning a poor absent brother, and casting him out of their fraternity as too vile to have even his name remain on their book

of records! a Ministerial Association formed, as Mr. Punchard says, in his view of Congregationalism, for the sole purpose "of personal improvement, the cultivation of brotherly kindness, and to assist each other, by counsel and advice in discharging ministerial and parochial duties." Who were present in that meeting I do not know, neither do I care to know.

The other statement in the preamble which I proposed to notice is this: "Having carefully attended to certain publications put forth by Mr. Fairchild since his trial." Besides this, Mr. Adams has said to me, in a letter, that my "writings are my worst enemies," and that one of the most influential men in our churches said to him, "I was always in doubt what to think of Mr. Fairchild's case, till I accidentally took up his pamphlet and read two pages; from that time my mind has been clear." This forming a correct judgment of me, or of my pamphlet, on hastily reading two pages, was something like Mr. Adams's forming a correct opinion of southern slavery by spending two or three months in the cities of Charleston and Augusta. Well, I suppose my pamphlet was defective; I admit it. But not defective because it was not true; but because I sometimes exhibited a spirit which had too much the appearance of vindictiveness and recrimination. But let any candid reader consider the position in which I was placed when I wrote that pamphlet, and the excited state of my mind occasioned by the grievous injuries which I had suffered from those men whose cruel wrongs I was then unfolding, and I am willing to leave him to judge whether, in a change of circumstances, he would probably show a better spirit. And if this does not satisfy him, I will only say to him, "Let him that is without sin, cast the first stone."

However, as such is the opinion which Mr. Adams, and perhaps some others, entertain of my pamphlet, I think that justice to myself requires me to insert here two or three of the notices of it by the public press. Out of many papers speaking of it in terms of approbation, I will quote first the notice of it in a paper printed in Hartford, Connecticut. I do not recollect the name of the paper; for when I cut out the slip I omitted to retain the name, as is the case with some others to which I shall hereafter have occasion to refer. The editor of that paper, after announcing the title, "Iniquity Unfolded," says:—

The author of the pamphlet bearing the above title, Rev. Joy H. Fairchild, has been known and recognized by the Christian public as an able, faithful, and successful minister of the Congregational order; and it was not until quite recently that his moral and religious character was called in question by any one. From June, 1816, until August, 1827,—a period of more than eleven years,—he was pastor of the Congregational Church in East Hartford. On the 22d of November, 1827, he was ordained pastor of the church in South Boston, where he remained until May, 1842. He was subsequently settled in the ministry in Exeter, New Hampshire, and it was while in the latter place that a criminal charge was brought against him,—a case which has excited much interest, and obtained great notoriety.

We have read the pamphlet with much interest, and deem it but justice to say that we cannot well see how any unprejudiced mind, after its careful perusal, can fail to arrive at the conclusion that Mr. Fairchild has been slanderously assailed and persecuted by his enemies; and this, we are assured, is the opinion of nearly all of those who know him most intimately, and have had the best opportunities to judge of the facts in the case.

The following is the notice of *The Boston Recorder*:—

INIQUITY UNFOLDED. — Rev. Mr. Fairchild has just issued a pamphlet, entitled "Iniquity Unfolded," in which he aims to expose the treatment which he has received from the deacons in South Boston, and others. No one will question Mr. Fairchild's right to make a book in his own defence, or to do whatever else

he can to vindicate his character, and remove the load of reproach under which he is suffering. Probably no man, under trials similar to his, ever shared more largely in the public sympathy, and there are very few who would not heartily rejoice could he be proved innocent. Whether this pamphlet will prove him so, we cannot say. It contains some bold and surprising statements, the truth of which we have not the means of testing. He intimates his intention to submit himself to a legal trial, a measure to which his friends have often advised him, and which, if any thing can do it, will secure a judgment in his favor. It is but just that he should have the public ear, and every other facility which can be afforded him for making his defence.

I will trouble my readers with only one reference more; and as they were all written without any suggestion of mine, or of my friends, perhaps they will weigh as much in the judgment of the community as the opinion of Dr. Adams, or that of his influential friend, whose mind was made clear on reading two pages of my pamphlet. I quote now from the *New Hampshire Courier*, published at Concord:—

**CASE OF REV. MR. FAIRCHILD.**—The readers of the *Courier* will recollect the trial and condemnation of this minister by a numerous council at Exeter; nineteen voted him guilty, and six not guilty. That council doubtless acted an honest part; their impression was that his guilt was proved, and they were zealous to testify that they would not screen even a minister in guilt; their zeal to preserve the ministry pure, carried them beyond the limits of just caution. Many, on reading the report of the trial, pronounced the evidence insufficient to convict a man. The principal witness was herself a guilty person; and one, too, who, for the sake of money, bargained away conscience, and then swore to his conviction, directly in the face of her solemn vow; her testimony, therefore, ought to have been most thoroughly sifted, and received with much abatement. So thought the six who voted in the negative on the trial. One of the six, a legal gentleman of ability and candor, declared to Mr. Fairchild his opinion that an impartial jury would have acquitted him in ten minutes on such evidence. We do not impute the wisdom and good intentions of the council; but anybody may err; we think they did.

Mr. Fairchild has recently published a book of eighty pages, in which he has collected and exhibited a mass of evidence in his own favor, which, had it been presented to the council, would have, we think, procured his triumphant acquittal. A distinguished lawyer, now retired from practice, pronounces his defence a triumphant one; and expresses his surprise that so much testimony could be gathered up in so short a time since the decision of the council.

Mr. Fairchild is now ready to go into court and meet his accusers face to face. His enemies, who have used their arts to destroy, who supposed they had destroyed him, will still fight to the last against him, but in vain. We are quite positive that the testimony which he embodies in his work is enough to clear him from any charge. He will not stop with an acquittal; he will demand of his prosecutors redress; and if some of them are not sent to work for the State, it will not be because they do not deserve it. Even Mr. Riddel, who assumed the part of prosecutor before the council, appears in an unenviable light, according to the showing of the pamphlet.

Mr. Fairchild writes like an injured man, though not in malice; and we predict that he will stand even higher in the estimation of the community for having passed such a fiery ordeal. The sympathies of the community began to be enlisted in his favor very soon after his condemnation. And to those who have read his book, his justification and vindication are complete. We make these remarks because his trial was published in the *Courier*, though before the paper came into the hands of the present Editor.

In view of the whole subject, the reflection arises, that malicious men are not unfrequently wounded by the weapons which they have forged against the life and vitals of others. Thus may it always be!

In accordance with the suggestion, perhaps I ought to say wish, of Mr. Riddel, expressed in his letter to a friend residing in a distant part of the State, an extract from which I just now quoted, special efforts began to be made about that time to prevail on Governor Briggs to send to Governor Steele of New Hampshire a requisition for my arrest as a fugitive from justice. Governor Briggs, I was told, declined at first, on the ground that I was not a fugitive from justice,—that

when this complaint was made I was quietly discharging my duties as a clergyman at Exeter, and that no charge like that then preferred against me, could make me in law a fugitive from justice. This decision set the matter at rest for a while, though, somebody deemed it necessary to apologize in the *Boston Atlas* for what was thought to be a neglect of duty on his part, in not demanding me. But soon after the publication of my pamphlet, which so greatly excited and annoyed my enemies, Governor Briggs was induced so far to change his views on the subject as to send to Governor Steele for liberty to take me by force out of the State of New Hampshire. I do not know by whom Governor Briggs was at last prevailed on to demand me of Governor Steele; but I do know that it was not Mr. Parker, for he assured me that he had nothing to do with it, directly or indirectly. A friend of mine from Exeter, then in Concord on business, ascertained that a requisition had arrived from Governor Briggs that morning, and he notified me of the fact immediately. I think this must have taken place early in January, 1845. Though I was then not quite ready to go to Boston, yet I concluded to take no pains to evade an officer, should one come for my arrest. But I soon received a second note from my friend at Concord, that the governor would not deliver me up, for two reasons: first, "that he had no constitutional right to do so," and, second, "that he had carefully read my trial at Exeter, and my pamphlet just published, and did not believe me guilty." And my friend added, "The governor says that Mr. Fairchild is at liberty to remain in New Hampshire unmolested; and though there are many in the State that we should be glad to get rid of, yet he is not one of them."

Soon after this, Mr. Walker, the attorney-general

of New Hampshire, was in Exeter on business, and in the evening he requested a mutual friend to wait on me to his room, that he might see the strange man about whom he had heard so many wonderful things. I was introduced to him, and spent an hour in his company very pleasantly. He then told me what took place when the requisition arrived from Governor Briggs,—that Governor Steele immediately put the documents into his hands as his legal adviser, and that they were not long in deciding the question; “and now, Sir,” said he, “the papers are all made out which I am going to send to Governor Briggs, and there they are in that trunk, peremptorily refusing to comply with the request; and had not that question been settled, it would have been altogether improper for me to have sought and had this interview with you; but as the case now is, I have the same liberty to converse with you as with any one else.” I then showed him my evidence. He said, “if that evidence can be relied on, Mr. Parker can never convict you against such testimony; for though he is as savage as a bear, and has little mercy for the criminal whom he believes to be guilty, yet he cannot convict you unless your evidence fail. And he would not convict you if he could against such testimony; for he is naturally a kind-hearted man, and is never an advocate for palpable injustice. You have nothing to fear from any one but the deacons at South Boston.” This is the substance of what he said. As I took no notes at the time, I, of course, repeat simply from memory.

I have always thought that Governor Briggs meant to do me a service, as well as gratify my enemies. He must have known, as it seems to me, that his first decision was right, and that Governor Steele would be of the same opinion, and consequently refuse to give me up;

but as my enemies were pressing him on the subject, he concluded to grant their request, well knowing that he should thereby retain their good wishes, and at the same time show me a favor by giving me an opportunity of coming on for trial, and letting the world know that I came voluntarily, after having been assured that a requisition had been sent, and that Governor Steele had returned it to Governor Briggs. This, however, is only my conjecture. But whether so designed or not by the governor, it certainly had that effect; and I thank him for it.

---

## CHAPTER VII.

JUST as all things were ready for my departure from Exeter to Boston, a gentleman remarked to me that Deacon Drake was reported to have said that if I came on for trial without being forced here by an arrest, it would be because Governor Steele had notified me that if I saw fit to give myself up within so many days, it was well; but if not, he should cause me to be arrested, and compel me to come. Whether the deacon had so reported I cannot say. But I can say, that in consequence of this report I delayed my departure some days, till I was sure that Governor Briggs must have received the papers from General Walker.

On Monday morning, February 17, 1845, at ten o'clock, I entered the court house in Boston, and presented myself before the Judge for trial on the indictment found against me by the grand-jury in the month of July preceding. My counsel wished the court to fix

upon a day for trial, and in the mean time to put me under bonds for my appearance at the time appointed. Mr. Parker, the prosecuting attorney, arose and stated to the court that I was there unexpectedly,—that the governor had, some time before, sent a requisition to New Hampshire for my arrest,—that the governor of that State had returned the papers and refused to deliver me up,—that I was there voluntarily, and was not, in law, a criminal, and that no bonds could be legally taken until a warrant had been served upon me. And so the judge ordered that form to be gone through with by some officer of the court then present, who served the warrant on the spot; and so I became a legal prisoner. Monday, the 24th day of March, was assigned as the time for trial. The bail for my appearance on that day was fixed at one thousand dollars, and six of my old neighbors and friends who had known me intimately for many years, came forward as my surety,—Messrs. Cyrus Alger, Stephen Jenney, William Gutterson, H. N. Crane, John W. Crafts, William Eaton, and William A. Aiken. That distant day being appointed for the trial gave my enemies about five weeks to prepare for the contest, which they well knew would be a sad affair to them, if they failed of their object. For fear that Mr. Parker should fail to do his duty in the case, they employed William Brigham, Esq. to assist him, and he was soon at work hunting up evidence. He went once to my college class mate, Rev. Louis Dwight, for which I was thankful; but I never heard of his going a second time.

Before I left Exeter I had fixed upon no counsellor to manage my case in court. It was now time to attend to that matter. For my junior counsel I soon selected John A. Bolles, Esq., who served me well. I did not select

my senior counsel till some ten days after. I consulted several gentlemen of the legal profession as to the most suitable lawyer to plead the case in court. Mr. Bartlett advised me to employ Mr. Choate. But to this I objected, and gave him my reasons. I told him, what he already well knew, that whenever a man was arrested who was really guilty and ought to be punished, if he employed Mr. Choate, it was expected almost as a matter of course, that he would be acquitted. And I felt quite unwilling to give my enemies an opportunity to say, in case of my acquittal, that no lawyer could have cleared me but Mr. Choate, and he can clear anybody. I knew that my cause was a just and righteous one, and that if it could be fairly presented to the judge and jury, I should be acquitted. And all I wanted was a lawyer of respectable character and talents to argue my case. This objection Mr. Bartlett overruled, and I consented that he should write to Mr. Choate, who was then in the Senate at Washington, but would be at home in season for that service. He did write, and Mr. Choate replied, that owing to certain circumstances, he could not take my case. We concluded that he had received from some quarter a retaining fee; but afterwards I ascertained from himself, what the true reason was, and which I will mention in another place. I then made application to Judge Warren, who consented to take my case. And the result showed that I made a wise selection. But the judge, having heard of the story about the "disreputable disease" which was circulated at Exeter, would not agree to take my case, as he afterwards told me, till he had had an interview with his friend, Dr. Hayward. The judge left the Doctor as well satisfied of my innocence as were my friends, Winslow and Dwight, who had previously sought a similar inter-

view for a similar purpose, as will be stated on a subsequent page.

The trial came on at the time appointed, Monday, March 24th, at ten o'clock, A. M. In impanelling the jury, the usual questions were asked, whether they were impartial, free from prejudice, and could sit and give judgment in the case according to law and evidence. One of them, Mr. George W. Bond, a well-known and much respected merchant in this city, said that he had formed and expressed an unfavorable opinion, and deemed himself unfit to serve. But Judge Warren, after putting to him certain questions, which Mr. Bond answered to his satisfaction, requested him to retain his seat among the jurors. The trial then commenced; and Judge Washburn, since governor, charged the jury on Saturday morning about eleven o'clock. The jury not having returned at one o'clock, the judge retired to his lodgings, having given directions to be sent for when they should signify that they were prepared to render a verdict. About this time, Mr. Parker signified to Mrs. Fairchild a wish to see her. On going up to his table, he told her for her comfort, doubtless deeply sympathizing with her, that he should not trouble her or her husband by pursuing the case any further; for, said he, "if the jury do not agree I will enter a *nolle prosequi*." Judge Warren wished to know what Mr. Parker had said to her; and when she told him, he replied with a good deal of feeling: "Not if I can prevent it; for if I cannot obtain a verdict on such evidence, I will give up my profession."

About five o'clock, the judge was recalled. The jury entered and said they had agreed, and were ready to declare their verdict. Sheriff Eveleth immediately arose and gave notice, that if any expressions of approbation

or disapprobation should be made by the audience, it would be regarded as a contempt of court, and that he should call on the officers present to arrest the offenders. But the moment the verdict — *not guilty* — was rendered, a shout went up so loud and strong as to make the arches ring; at this, the sheriff brought down his hammer upon the desk, calling on the officers to do their duty. But it was too late to shut the door when the steed had fled. Mr. Eveleth, however, did not appear to manifest much resentment at the disrespect shown to his authority; and he probably did not feel as though his dignity had been greatly insulted.

As soon as the commotion created by the announcement of the verdict had subsided, I arose and requested permission to say a few words, which the judge readily granted. I spoke as follows:—

May it please your Honor, — Having been acquitted by a jury of my country, I wish now to state that from the first moment I heard that the grand-jury had found a bill against me, I determined to return and meet the accusation as soon as I could, acting under a sense of duty to myself, and the advice of counsel. I determined to return to the Old Bay State, to this goodly city of Boston, to my former acquaintances and friends, among whom I had labored for fifteen years in the gospel ministry, and who had been witnesses of my daily life and conversation. I *did* return; and though under the condemnation of an ecclesiastical council, I found a host of friends to cheer and comfort me. I have submitted myself to the laws, as a good citizen should do, and the result is before you. During the trial my mouth has been closed; but I now declare with all solemnity, and as in the presence of my Maker and Judge, that I am innocent of the crimes laid to my charge. My enemies and persecutors I forgive, and commend them to the forgiving mercy of Almighty God. The pains, — the agonies which they have caused me to endure, no tongue can tell. They have brought me and mine almost to penury; but I will still trust in the Lord, and fear no evil. I am now restored to that ministry in which I have endeavored to labor with all fidelity for thirty years; and being thus restored to my office, I

greatly rejoice. I will only add, that I thank your honor for your patience and impartiality in the discharge of your duty as judge. I thank the county attorney for his courtesy; and the jury for their just and righteous verdict.

As soon as I had finished, Mr. Bond, the gentleman who at first objected to serve on the jury, standing near me, touched my shoulder and reminded me of what he had said at the opening of the court, and then added: "I was fully satisfied of your *legal* innocence before I left my seat; but as I and the foreman took full notes of the evidence, at my suggestion we have been these six hours going over this evidence item by item, and now I am fully satisfied of your *moral* innocence." A gentleman then stepped up to me, at that time an entire stranger, and asked me if I would consent to ride to my lodgings in the same carriage, and drawn by the same white horses which were used when the President of the United States was escorted through our streets. I thanked him for his kind feelings, but I could not gratify him. I told him that, as I was greatly fatigued, I should deem it a favor if he would take me home in a plain carriage. When the carriage was ready, he came to notify me; and as I left the court room, I passed through the office of Sheriff Eveleth, who, as I had noticed, was a constant attendant in court while the trial was going on. He had some previous acquaintance with me, and on that account he probably felt desirous of hearing the testimony, that he might be able to judge for himself. As I entered his office, he was conversing with Mr. Parker; he left him immediately and took me by the hand, and in the presence of Mr. Parker, congratulated me on my acquittal, pronouncing the verdict a truthful one,—just such as the evidence demanded. And as I passed out of the court house and stood on the steps, there appeared to be, so far as I

could see, one solid mass of human flesh; and the moment I took my seat in the carriage, I was saluted with "three times three cheers" with a hearty goodwill.

Thus ended such a week as I had never seen before, and hope never to see again. And if my enemies had then acted the part of good citizens, whatever their private opinions might still have been, and submitted to the decision of the court, and thenceforth have let me alone, they would have saved me as well as themselves a world of trouble, and would have greatly modified, if not entirely removed, the general impression that they had been pursuing me as vindictive persecutors. And especially if Dr. Adams had then come to me and given me his hand, and expressed his satisfaction with the verdict, and offered to redeem his pledge twice sent to me, of inviting me into his pulpit on my acquittal,—all would have been buried in the grave of oblivion years ago. But this he would not do. He did not even enter the court room to hear one particle of the evidence, and only came at last to hear the arguments of counsel, and I was afterwards credibly informed, that on his way home he remarked to a gentleman that, having heard the arguments, he was more convinced of my guilt than ever. But whether he and his associates in these transactions have not now put it beyond their power to obtain a modification of public sentiment more favorable, I leave to the judgment of those who may read what follows; for the strangest and most distressing part of my story is yet to be told, and, as it seems to me, the most inexcusable and dishonorable to the chief actors in the drama.

The trial ended late in the afternoon on Saturday. We were staying with a good friend of ours, the son

of one of my deacons in East Hartford, who had known me well from his childhood, and who, as soon as he heard that I was coming to Boston, sent us a kind invitation to spend our time in his family till after the trial was over. He and his amiable lady took great pains to encourage and comfort us; and they were as successful as any friends on earth could have been, considering the fearful ordeal through which I was about to pass.

The next day was the Sabbath. I received a note early in the morning from the then pastor of the Baptist Church in South Boston, and who had been present in court to hear the testimony, that he might judge for himself,—inviting me to occupy his pulpit with him either part of the day, and if I felt able, he wished me to speak to the people; and if not able, to come and sit by his side. But as I was too feeble to speak, I declined his affectionate and brotherly invitation. In the afternoon, I entered the Methodist Church as silently as I could; but I was soon noticed by one of the brethren, who came to me with the request that I would take my seat with the preacher in the pulpit; but I declined on account of my feebleness. Then the preacher himself came to me, and gave the same invitation; and lest I should be thought churlish if I longer refused, I consented, and made the closing prayer, and read the last hymn.

When I was in Saco at the time of Mr. Riddel's call on me, as has been already noticed, Mr. Hopkins expressed to me his strong conviction that I should, at no distant day, reënter the pulpit. I despondingly said, "that will never be." "Will you promise me," said he, "if you go to court, as the council advised, and are acquitted, that you will preach your first sermon for me?" "Certainly," said I. He remembered the promise and claimed its fulfilment, though he had then resigned his

office, and his successor was already installed. And so I went to Saco and preached my first sermon from these words, "*My refuge is in God,*" and in the evening from these words, "*And there shall be no night there.*" As that was my first attempt at preaching after my acquittal, I trust the reader will excuse me if I insert here an account of that service, given by a Methodist clergyman who was present, and who sent the subjoined letter the next day to be published in the *Olive Branch*. The writer has a method peculiarly his own in expressing his thoughts, and perhaps on that account, some will read it with more interest.

SACO, April 7, 1845.

"*Honor to whom honor is due.*"

MESSRS. EDITORS,—Permit me, through the columns of your paper, to speak in praise of some gentlemen herein named. And first, I will speak of the Rev. J. H. Fairchild, who preached yesterday in the Congregational meeting-house in Saco, to a great assembly who enjoyed the privilege of sitting under the droppings of the sanctuary with great delight. The morning text was in Psalm 62d, last clause of verse 7th. In the evening not less than a thousand people heard him preach from a text in Rev., 22d chapter, first clause of the 5th verse, from which (under five heads he contrasted the darkness of the present, with the brightness of the future world of glory, where there will be no night, nor pain, nor sorrow,—where the wicked will cease from troubling, and the weary be at rest). He spoke with much feeling, sowing the word of life in tears, and doubtless has left an impression for good that will never be forgotten.

It may be asked, why did he preach first in Saco? Answer, — Because when he was crucified last August at Exeter, God sent wise men from the East, namely, — the Rev. Mr. Hopkins, and the Hon. W. P. Haines, counsellor-at-law, who was also Jesus's disciple. These same had not consented to the council and deed of *them* who crucified him, but brought a mixture of myrrh and aloes or comfortable words and good looks more than a hundred pounds, and did nothing secretly for fear of the *Jews*, but publicly gave Mr. Fairchild their hands of friendship in a time of need. May God remember them for this in the day when he shall make up his jewels! This perhaps is the reason

why we have had the blessed privilege of hearing the injured Mr. Fairchild preach first in Saco ; and may the Lord give him souls for that day's labor, and in the world to come, a place where there will be no night.

In conclusion, let me say that the invisible hand of God has moved mysteriously to bring the feet of his servant through the waters, and has set them in a large place ; and I hope it will lead him and us to trust in the Lord at all times.

The next Sabbath I preached in my old pulpit at Exeter, and the Sabbath after for Dr. Burgess in Dedham.

By this time I had become pretty well acquainted with the opinion of the public press on the subject of my acquittal, and also of several most respectable gentlemen of the legal and clerical profession. I received a note of congratulation, written on Monday the second day after my acquittal, from a clergyman, which was so gratifying to me at the time that I must be permitted to insert it, that it may be a lasting testimony to the goodness and kindness of that man's heart, and a severe rebuke to those whose consciences may testify that they deserve it. Though that dear man is no more with us ; yet he has left behind a host of friends and loving parishioners, who, I doubt not, will be glad to hear his opinion of the verdict of the court. I refer to the late Dr. Codman, of Dorchester ; and "though dead, he yet speaketh."

DORCHESTER, Monday evening, March 31, 1845.

MY DEAR SIR, — I regret *exceedingly* that I was obliged to part with you so abruptly this morning, having an indispensable engagement that required immediate attention. I should have expressed my congratulations upon the result of your late trial, and my sympathy with you and your beloved wife. I am expecting to leave the country to-morrow ; but I could not depart without leaving this explanation behind me.

Wishing you and yours every blessing,

I am, yours sincerely,

JOHN CODMAN.

Papers soon began to pour in upon me, both secular and religious, from all parts of the United States, highly commending the verdict of the jury. I will copy the announcement from two or three of the papers. The *Christian Mirror*, published in Portland, and edited by Rev. Asa Cummings, D. D., contains the following brief notice of the result:—

The congratulations at Mr. Fairchild's acquittal are most full and hearty. He had all but fallen a victim to a most wicked conspiracy, and every one must rejoice that the villanous plot is now exposed; the more from the fact of his sustaining the clerical office. The majority of the council, who tried the case, in reference to its ecclesiastical bearings, but who had not power like a civil court to compel the attendance of witnesses, at least to that needful extent, will doubtless participate in this rejoicing."

*The Boston Recorder* says:—

The result has given general satisfaction to those who attended the trial, and we know of no reason why others and all should not rest in the conclusion that the verdict is according to truth. If it be not so, of what avail are courts and juries to *any* man, who has had the misfortune to be accused or suspected?

*The Vermont Chronicle* says:—

From the evidence in court we see not how any court or council could regard the principal witnesses in any other light than as unprincipled characters.

## CHAPTER VIII.

ABOUT this time I heard that the deacons at South Boston were preparing a pamphlet for publication, to show the people that I was after all a vile man,—that I had been unjustly acquitted, and that the honor of the ministry and the purity of the church required them to unmask me, and expose my hideous deformities to the world. I was told that it was confidently asserted that I should never preach again after that pamphlet was circulated. It was not long before it was announced in the papers; a friend sent me one. I first looked at the title, "TRUTH REVEALED,"—and then looked to see whether any but the deacons were responsible for it, by appending their names; and, to my utter amazement, I could not find the deacons' names, nor any other! I read it; and when I had got through I felt truly thankful that the deacons had given it to the world, and I did not wonder that it was anonymous. The public press took little notice of it. A few editors spoke of it, but always, so far as I know, in terms of decided disapprobation. One says:—

The pamphlet published by the South Boston deacons, concerning Mr. Fairchild's case, has proved an abortive attempt on their part to add insult to injury. The silly affair does not sell, and creates no excitement. We advise these deacons, and all others who have by their savage persecutions driven Mr. Fairchild wellnigh to despair, to enter immediately upon a work of repentance, ere the judgments of heaven fall upon them for their sins. Mr. Fairchild has been nobly acquitted in a court of justice of the crimes charged upon him by a dissolute girl, and the public verdict has also been rendered in his favor. Now, we say, let him alone, or rather assist him by kindness

and attention to regain his former position in society. Those who would further wantonly trifle with his feelings deserve the severest reprobation of the public.

Another editor, noticing the pamphlet, says:—

As Mr. Fairchild voluntarily submitted to a trial by the proper legal tribunal of his country, and by that tribunal was triumphantly acquitted, we think it evidence of reckless and wanton malice for his quondam deacons still to hunt him. With the candid and intelligent, Mr. Fairchild will suffer nothing by this act, while his pursuers will lose much of their remaining hold on the respect and confidence of the public, which had before been greatly weakened by the evident spite and hearty good-will with which they hunted their intended victim. Besides, Mr. Fairchild has complied with the laws of his country by submitting cheerfully to her judiciary, which, instead of condemning him, has spread over him the broad *Ægis* of her protection. It is wholly gratuitous to go behind its decisions, as there is not the slightest intimation that the trial was not managed fairly. Reverence to our laws and institutions should induce the deacons and their clique, like good citizens, to submit. Society has done all it can to purify itself. If Mr. Fairchild is guilty, these holy deacons cannot suffer more than other members of the community, and must appear very awkward in being so forward in still pursuing one whose sensitiveness is so great as almost to make life a burden under their clamors to have him sacrificed. His sufferings already have brought him at times to the very gates of death. We wish the men had more charity, and a little of the milk of human kindness.

As the moderator and scribe of the Exeter council had announced to the world in the *Puritan*, immediately after my suspension from the ministry, that if I should obtain an acquittal in court, "they would haste with unutterable joy to reverse their present decision," I expected them to redeem their pledge without delay. True, I did not suppose such an act necessary, for I considered myself restored to my office by the verdict of acquittal taken in connection with the result of council, and I acted accordingly. But as the public in general

seemed to expect that a reassembling of the council would take place in accordance with the announcement of the officers of the council, I called on Dr. Dana to ascertain whether he was going to issue letters recalling the council. He said that he would if I requested him to do so in a letter to him, stating *precisely* what I wished them to come together for. I told him that I had nothing for them to do but what he and the scribe had said they would do in case of my acquittal,—that is, to reverse their decision, and make it conform to the decision of the court, and that I expected it to be done spontaneously on their part, without any agency of mine; for I did not see that I had any thing more to do in the matter. I told him that if he wished it, I might consent to write him a note as he had suggested, but I must first think of it awhile, and if I concluded to make the request, he should hear from me soon. And as I arose to take my leave, he remarked that some of the members of the council might expect me to bring before them my witnesses, on whose testimony I was acquitted in court, that they might examine and judge for themselves. To this I at once objected, both on the ground of the expense, and for the reason that the council had already declared themselves incompetent; and I could not see why they should deem themselves more competent to try the case now than they were at first. And on consulting my neighbor, Rev. Dr. French of North Hampton, a wise counsellor, he advised me never to consent that that council should come together for such a purpose. This soon led to some correspondence with Dr. Dana and others, which will be quoted more appropriately in another place. I will just state here, that a gentleman said to me, that during anniversary week in May, 1845, he saw Dr. Dana in Boston, and asked him

if he designed to recall the council, and that he replied, "I have just had an interview with Mr. Adams, and have concluded not to do so."

Dr. French had suggested to me, previous to my interview with Dr. Dana, that it might be advisable for me to call a convention of clergymen, and let them act in the matter so far as to give me a certificate of good standing in the ministry. This he said after he had made some special efforts to induce the moderator and scribe to recall the council; but without avail, as will soon be seen from his own letter to me. We felt it desirable that something should be done; but I am now satisfied that, on the principles of Congregationalism, there was nothing to be done,—certainly not by those who had composed that council, for it had ceased to be. It was ecclesiastically dead, and there was no power in the Congregationalism of Massachusetts to restore it to life. But more of this hereafter.

Dr. French having failed in his preceding efforts, proposed another plan. He drew up a certificate for the purpose of obtaining the signatures of the most respected and influential clergymen of our denomination, if they were disposed to sign it, testifying to the churches what their views were in relation to my case. That certificate I here subjoin, with a portion of the names of the signers. It is needless to take up room by inserting them all:—

Whereas the council in Exeter, New Hampshire, in July, 1844, in the case of the Rev. J. H. Fairchild, resulted that "unless he can present a clearer vindication of himself before some tribunal more competent than ourselves to compel the attendance of witnesses, and the utterance of all the truth, and *till such act be done*, he ought not, and, so far as our decision goes, does not, longer hold the place of a minister in the church of Christ." And

Whereas the Rev. Mr. Fairchild did accordingly submit his case to a civil court, who fully acquitted him; and

Whereas by the acquittal of that tribunal, Mr. Fairchild's suspension from the ministry, according to the implied proviso in the result of the council, has ceased ; and

Whereas this construction of the result is, in our opinion, sustained by the fact that no special provision was made for the council to reassemble in case of such an acquittal ; and

Whereas this construction is also, in our view, confirmed by the further fact that, after the lapse of several months since his acquittal, no measures are taken by the council to reassemble for any further action in the case.

We, therefore, the undersigned, beg leave, as individuals, to say to all whom it may concern, that in our view on the ground of the result of council and the verdict of the jury, the Rev. Joy H. Fairchild is, and of right ought to be reinstated in his ministry, and restored to the fellowship and communion of the churches.

Rev. Jonathan French, D. D., Northampton, N. H.

" Samuel W. Clark, Greenland,	"
" Wm. Cogswell, D. D., Gilmanton,	"
" Nathaniel Bouton, D. D., Concord,	"
" John Richards, D. D., Hanover,	"
" Leonard Woods, D. D., Andover, Mass.	
" Samuel C. Jackson, D. D.,	" "
" Ebenezer Burgess, D. D., Dedham,	"
" Gardner B. Perry, D. D., E. Bradford,	"
" Alfred Ely, D. D., Monson,	"
" Dudley Phelps, Groton,	"
" Nathan Munroe, W. Bradford	"
" Hubbard Winslow, Boston,	"
" Joseph H. Towne,	" "
" Louis Dwight,	" "
" David T. Kimball, Ipswich,	"
" John March, Newburyport,	"
" S. Hopkins Emery, Bedford,	"
" Joel Mann, Salem,	"
" Amos Blanchard, D. D., Lowell,	"
" S. W. Hanks,	" "
" Reuben Emerson, South Reading,	"
" Joseph Vaill, D. D., Somers, Connecticut.	
" Asa Cummings, D. D., Portland, Me., and twenty-two others.	

Judging from the readiness with which most of the gentlemen signed this paper to whom it was presented,

I presume that signatures might have been obtained to almost any amount. But as soon as I had accepted the call to become the pastor of my present church, it was not deemed necessary to make any further efforts to get signatures, and none were made; because the council who should install me, it was thought, would act with authority and efficiency. But Dr. Adams seems to have been no more ready to yield to the opinion of these clergymen, than he was to submit to the verdict of the jury.

Fifty-six members of the Phillips Church, having sent in a written request to be dismissed from that church, that they might be organized into a new one bearing the name of Payson Church, an ecclesiastical council was convened for that purpose in the vestry of the Baptist meeting-house, on the 16th day of July, 1845. Eleven churches were represented. The council was organized by the choice of Rev. Dr. Burgess of Dedham as moderator, and Rev. Dudley Phelps of Groton as scribe. There was much discussion and deliberation, and earnest opposition, especially by Dr. Adams. He suggested to a member of the council who sat near him, to ask the committee who had summoned them together, whether it was not their intention to call me to be their pastor. One of the council immediately arose and objected against the committee's answering any such questions. He said that they had come there to form a church, and not to question them as to their intended pastor; and then added, "If we are going to allow such questions to be asked, we had better put on cardinal caps at once." The council, however, voted by a large majority to proceed to the organization of the church. The services were performed in the Baptist meeting-house on the evening of the same day. The Rev. William M.

Rogers, then pastor of Winter Street church, but now, I trust, in heaven, preached the sermon.

The Payson Church, soon after their organization, sent me an unanimous invitation to become their pastor, through their committee appointed for that purpose, both male and female members voting. After speaking of the time and place of the church-meeting, and the perfect unanimity of the call, the committee proceed as follows : —

Permit us, dear Sir, in behalf of the Payson Church, to assure you that a spirit of the utmost harmony was manifested on the occasion, and the vote was received with the greatest cordiality and union. Many of the members of this new church have, for many years, been among your personal friends, — friends whom you have long loved and dearly cherished, — friends with whom you have, in years that are past, taken sweet counsel. We are now a little flock without a shepherd — without a leader ; and believing that God in his providence has indicated that you should become our spiritual guide and teacher, — that you should “lure to heaven, and direct the way,” — we do most cordially and affectionately invite you to come and break to us the bread of life. Mournful and sad was the day when you departed from us. Come back again, then, to your old friends and neighbors, — to your brethren and sisters in Jesus, doubly endeared to many of them on account of your instrumentality, by the divine blessing, in bringing them to the Lamb of God. Come back to us, and though few in numbers and poor in purse, we are ready to share our last morsel with you and yours ; ready to throw open wide our doors to receive you, and to welcome you with our whole hearts. Since you went from us, your trials have, indeed, been severe ; the storm that has raged around you has been menacing. But, thank heaven, you have been brought through the tempest unscathed. The wrath of man has not been permitted to overwhelm you. The clearest sunlight has again broke forth. The bright arch of hope again spans the clouds. Come back, then, we say, and fond hearts will again cluster around you. Here have we fixed our earthly homes ; here erected our family altars, from which, we trust, ascends the incense of contrite hearts ; and oh, believe us, you are not forgotten in our offerings. Oh, it was cruel in your enemies to

hunt you like a partridge on the mountains, — to drive you to the verge of distraction; but may heaven forgive them, as we hope we do. Come back, and may the God of heaven bless both you and us. May we long dwell together in brotherly love and Christian fellowship; and may no untoward event again separate us while life endures! Here let us together live. Here let us die. Here may we be buried, and at last meet in heaven to part no more forever.

Yours in the faith and fellowship of the Gospel. In behalf of the committee,

CALVIN WALTON, *Chairman.*

On the receipt of this letter at Exeter, after perusing it with tears, I put it into the hands of a gentleman of education to read; and as he returned it, he said, "that letter reminds one of the Declaration of Independence. It is worthy to be printed among the stars." The following is my reply:—

EXETER, September 2, 1845.

TO THE MEMBERS OF THE PAYSON CHURCH:—

My dearly beloved, — I have received, through your committee, your unanimous invitation, that I would become your pastor and teacher. This invitation, together with the kind and warm-hearted letter which accompanied it, excites in my bosom those emotions which no words of mine can adequately express. While reading that letter, the tears of joy started in my eyes; and I thanked God for raising me up such friends as Solomon describes, — friends "who love at all times." It would be in vain for me to attempt to give utterance to the feelings of gratitude which now fill my heart. This renewed assurance of your affection and confidence, evidenced as it is by your united and earnest request that I would return to my former field of labor, and again break to you the bread of life, demands from me an affirmative answer. Your hearts and prayers have been *with* me and *for* me in all my trials and persecutions. And though I cannot make any adequate return for your continued sympathy and kindness, yet I will do what I can. I most willingly accept your invitation, and you may expect me with you the next Sabbath.

And now, beloved, let us feel our dependence on God. Without his blessing, our reunion will be in vain. With it, we

may expect the most happy results. Though small in numbers and in wealth, yet God can make "the little one to become a thousand." If we are a united, a humble, and a praying people, God will prosper us. I shall come among you with a determination to labor in the Lord's vineyard with all fidelity,—"to be instant in season and out of season." It will not be my design in coming back to you, to excite party strife, but, if possible, to allay it; not to quarrel with any man, but, "as far as in me lies, to live peaceably with all men." And in the attainment of this object, I shall expect your hearty coöperation. We must study the things which make for peace. We must do our Master's business quietly and unobtrusively; and should any Sanballats and Tobias attempt to interrupt us, we must say, as did the prophet Nehemiah and his fellow-laborers, "we are doing a great work and cannot come down." Should any one say, "if a fox go up, he will break down the wall," we must not be diverted from our purpose, but make our prayer unto God, and leave the event with him. We must labor and pray for the peace of Jerusalem,—for the prosperity of Zion,—for the descent of the Holy Ghost, and the conversion of sinners unto God. I shall cherish a spirit of forgiveness towards all my enemies, and entreat you to do the same. Let this be our united and fervent prayer—*may God forgive them!*

As to my temporal wants, I trust that they will be supplied. That God, who "feeds the young ravens when they cry unto him," will not permit me or mine to suffer through hunger, or cold, or nakedness. I cast in my lot with yours. We must all make sacrifices and practise self-denial. And we shall most cheerfully do this, if we will only think of him "who, though he was rich, yet for our sakes became poor, that we through his poverty might be rich." Let us be diligent in the business of our respective callings, as duty requires, and at the same time live for Christ and the good of his church, and we shall not want. Let us lay aside selfishness, cultivate a liberal spirit, and regard ourselves as the Lord's stewards, and then there will be no lack of means to sustain his cause.

And now, my beloved friends, may the Lord smile on our reunion, and make it the occasion of great glory to himself and of unspeakable benefit to us and our children, both here and hereafter.

Yours in the bonds of Christian love,  
J. H. FAIRCHILD.

## CHAPTER IX.

ON the first Sabbath in September, I began my labors as the religious teacher of the Payson Church. The committee had procured for me the Franklin Hall, in Barker's building, which was formerly occupied by the Methodist society, before they had ability to erect a church of their own, from which place we removed on the first Sabbath in January, 1846, into the more commodious hall which we now occupy, at the corner of B street and Broadway, where we shall remain till our new church, which is now being erected, be so far finished as to enable us to meet in the vestry.

At the commencement of the services, I read the 27th Psalm, which contains so many passages applicable to the strange circumstances in which I had been placed, that it seemed to some to be as appropriate as if it had been made expressly for the occasion.

That the reader may see how wonderfully adapted the Bible is to all the afflictive circumstances of human life, I will here quote the whole of that psalm : —

The Lord is my light and my salvation ; whom shall I fear ?  
the Lord is the strength of my life ; of whom shall I be afraid ?

When the wicked, even mine enemies and my foes, came upon me to eat up my flesh, they stumbled and fell.

Though an host should encamp against me, my heart shall not fear ; though war should rise against me, in this will I be confident.

One thing have I desired of the Lord, that will I seek after ; that I may dwell in the house of the Lord all the days of my life, to behold the beauty of the Lord, and to inquire in his temple.

For in the time of trouble he shall hide me in his pavilion :

in the secret of his tabernacle shall he hide me ; he shall set me up upon a rock.

And now shall my head be lifted up above mine enemies round about me : therefore will I offer in his tabernacle sacrifices of joy ; I will sing, yea, I will sing praises unto the Lord.

Hear, O Lord, when I cry with my voice : have mercy also upon me, and answer me.

When thou saidst, Seek ye my face ; my heart said unto thee, Thy face, Lord, will I seek.

Hide not thy face far from me ; put not thy servant away in anger ; thou hast been my help ; leave me not, neither forsake me, O God of my salvation.

When my father and my mother forsake me, then the Lord will take me up.

Teach me thy way, O Lord, and lead me in a plain path, because of mine enemies.

Deliver me not over unto the will of mine enemies : for false witnesses are risen up against me, and such as breathe out cruelty.

I had fainted, unless I had believed to see the goodness of the Lord in the land of the living.

Wait on the Lord : be of good courage, and he shall strengthen thine heart : wait, I say, on the Lord.

I selected my text from the 10th chapter of Acts, and 29th verse : " Therefore came I unto you without gainsaying, as soon as I was sent for ; I ask therefore for what intent ye have sent for me ? " particularly the last clause.

I wish it was so that I could present to my readers the whole of that sermon ; but this cannot be done without excluding matters which are more especially adapted to the object of this book. I will, however, quote what peculiarly relates to that extraordinary occasion : —

The circumstances of our present meeting, my friends, are quite peculiar. Never before did I address an audience with such emotions — emotions too big for utterance. And if ever, in preaching a sermon, I needed a remembrance in the prayers of Christians, — if I ever needed the grace of God to strengthen and sustain me, I need it this morning. The feelings which

now fill my heart and suffuse my eyes, no words can adequately express. True, I have spoken in this hall before ; for when it was occupied by my brethren of the Methodist denomination, I accepted their kind invitation to preach to them on more occasions than one. It is also true that I have spoken to most of you who now hear me, from Sabbath to Sabbath, for many years ; but never before with feelings of such unusual character, and such unusual intensity. You do not wonder at this. You would indeed wonder if it were not so, when you consider the circumstances which have brought us together within these walls to-day. I do not intend to go into any detailed account of these matters. This is forbidden by the day, the occasion and the object of our present meeting. Neither have I any wish to disturb your feelings or mine by such a disgusting and painful recital. Besides, the whole story of my sufferings has already been published to the world, with which you are all familiar, so that neither duty nor necessity requires a recapitulation of them here. I would rather that they should be buried in perpetual oblivion.

But there is one thing which the sacredness of the day does not forbid me. I may express to you my heart-felt gratitude for the interest you have taken in my welfare, and for your sympathy and kindness in all my trials. In the darkest hour of my adversity, when my way seemed hedged up — when no light was breaking in upon my path, you still adhered to your former pastor. You acted the part of true, honest, firm, warm-hearted friends. You required evidence — evidence the most undoubted and conclusive, before you would believe that I had done any thing to forfeit your esteem and confidence. You doubtless made my case the subject of frequent and fervent prayer, that God would bring the truth to light, and deliver me, if innocent, from the snares which had been laid for my ruin. Nor did you pray in vain. The Lord appeared for my deliverance. And here I am, enjoying once more the delightful privilege of addressing you in the name of your Saviour and mine. “What shall we render unto thee, O Lord, for all thy benefits? We will take the cup of salvation, and pay thee our vows.”

But to my text. “I ask for what intent ye have sent for me?” I take it for granted that your intent in sending for me is such as becomes a Christian people in sending for a Christian minister. You have sent for me to the field of my former labors to preach the same gospel which some of you have heard from my lips for a series of years, and which was blessed of God to the conversion of many sinners, and to the conversion of

some of you. Yes, I recognize those among you to-day, who are my spiritual children. And no wonder if there should exist in your bosoms and mine, those peculiar feelings of interest and attachment which nothing but such an endearing relationship can produce. And now that I have come at your call, as did Peter at the call of Cornelius, can you answer the question of Peter in my text as did Cornelius — “Now, therefore, are we all present before God, to hear all things that are commanded thee of God.” I believe you can; and encouraged by this belief, I am bold to open my mouth once more before you, and to preach to you again “the glorious gospel of the blessed God.”

“I ask for what intent ye have sent for me?” To this question, if you are honest men, but one answer can be given. *You have sent for me to preach the doctrines, and inculcate the duties of the Gospel.* And this is the subject to which I would invite your attention this morning.

I here made a brief statement of what I conceive to be the essential doctrines of the gospel, and which I felt bound to preach. I dwelt at some length on the doctrine of salvation by grace through faith in Christ Jesus. And closed this branch of my subject as follows:—

My dear hearers, if my heart does not deceive me, to be made the instrument of dispensing this salvation to you, is the only ambition of my life. This is the chief object for which I would pant. I would make this the end of all my toils. To promote this, I would study and pray and meditate and preach and exhort. And when this is attained, I would forget all my previous difficulties and trials and labors and sorrows. I would say with Paul, “None of these things move me, neither count I my life dear unto myself, so that I might finish my course with joy, and the ministry which I have received of the Lord Jesus, to testify the gospel of the grace of God. God is my record how greatly I long after you all in the bonds of Jesus Christ.”

I here proceeded to the second part of my subject.

But to hear the doctrines of the gospel proclaimed was not your only intent in sending for me. It was likewise your intent that I should dwell much in my preaching on the practical du-

ties of the gospel. For what is doctrine without practice? A foundation without a building. It is worthy of remark, that the Saviour does not say by their *doctrines* ye shall know them, but by their *fruits*. You are to build for eternity; and when you have laid the foundation in sound doctrine, you are not to imagine that your work is done. It is then only begun. A superstructure is to be raised, and finished, and furnished. You must not only *believe*, but *act*.

And what are you to do? You are to "work out your own salvation with fear and trembling," and "give all diligence to make your calling and election sure." You are to "remember the Sabbath day to keep it holy," not doing your own work, or thinking your own thoughts, or uttering your own words; not devising schemes for the accumulation of riches, or posting up your accounts, or journeying for pleasure or profit, or conversing on worldly business; but in meditating on serious subjects, in reading the Scriptures, in communing with God, in imparting religious instruction to children, and in assembling together for public and social worship. You are to practise "whatsoever things are true, honest, just, pure, lovely, and of good report, doing unto others as you would that others should do unto you," fulfilling your contracts, performing your promises, and paying your debts. You are to avoid deception, fraud, double-dealing, lying, slandering, whispering, backbiting, talebearing, extortion, envy, malice, covetousness, censoriousness, revengefulness, and lewdness; thus giving evidence to all around that you are "crucifying the flesh with its affections and lusts,"—governing your appetites and passions,—bringing forth the fruits of the spirit, and proving to a demonstration that "you have been with Jesus." You are to put on that charity which suffereth long and is kind; which seeketh not her own; which is not easily provoked; which thinketh no evil; which rejoiceth—not in iniquity, but rejoiceth in the truth; which beareth all things, believeth all things, hopeth all things, endureth all things; remembering that without this charity, all your pretensions to religion are no better than "sounding brass or a tinkling cymbal." You are to "love your enemies, bless them that curse you, do good to them that hate you, and pray for them that despitefully use you and persecute you." You must "recompense no man evil for evil." You must have hearts to feel, and eyes to weep for others' woes. You must "put on bowels of mercies, kindness, humbleness of mind, meekness, long-suffering, forbearing one another, and forgiving one another." If your enemy hunger, you must feed him; if he thirst, you must

give him drink ; that by so doing you may heap coals of fire on his head to melt him to repentance. You are not to be overcome of evil, but to overcome evil with good ; thus imitating the example of him "who, when he was reviled, reviled not again ; when he suffered he threatened not," but committed himself to him who saith, "vengeance is mine, I will repay."

You who are parents, are "not to provoke your children unto wrath, but bring them up in the nurture and admonition of the Lord." You who are children, "are to obey your parents in all things ; for this is well pleasing unto God." You who are husbands are to "love your wives, and be not bitter against them." You who are wives, are to "submit yourselves unto your own husbands, as it is fit in the Lord." You who are masters are "to give unto your servants that which is just and equal, knowing that ye also have a Master in heaven." You who are servants, "are to obey in all things your masters according to the flesh, not with eye-service as men pleasers, but in singleness of heart, fearing God." You who are groaning under the burden of sin, and anxious to obtain deliverance, are to listen to the invitation of the Redeemer, "Come unto me all ye that labor and are heavy laden, and I will give you rest." You who are in any trouble, whether of mind or body, are to be "patient in tribulation," remembering that it is through much tribulation you must enter the kingdom of God. You who are still impenitent are "to confess and forsake your sins, and turn unto the Lord, that he may have mercy upon you." You must exercise repentance towards God, and faith towards our Lord Jesus Christ, and flee to "the strong-hold while you are prisoners of hope."

Thus you see, my hearers, that I am to preach to you not only the *doctrines*, but the *duties* of the gospel. These God hath joined together ; and woe be to him who attempts to put them asunder. Expect then from me frequent exhortations to rouse you to your duties.

After some affectionate and earnest exhortation on this point, I closed as follows :—

Never before, my brethren, did we attend a meeting like this, so peculiar, so solemn, so affecting. When we look back to the strange events which have taken place since our separation, and the remarkable movements in the providence of God which have brought us together again, our reunion becomes not only a matter of wonder, but of joy and rejoicing. You have been regu-

larly constituted into a church of Christ, and admitted to the fellowship of sister churches. The rapidly increasing population in this section of the city, if there was no other reason, would fully justify the step you have taken. At your unanimous request I have come among you to labor as your pastor and teacher. And why should I not come at your call? I have a grateful heart. And surely if ever a debt of gratitude was due to any people, it is due from me to you, who have stood by me in my trials and persecutions, while others forsook me, and joined hands, and hearts, and heads, and pens, and tongues against me. For this I thank you, and hope to make you some compensation by feasting you on the rich provisions of the Gospel, — by leading you into the green pastures and beside the still waters, — by sympathizing with you in all your afflictions; weeping with them that weep; binding up the broken heart, and wiping the tear from the eye of sorrow. I came also from a sense of duty to myself. For where else could I hope to labor successfully, if not among the people who best know me and the story of my wrongs, and who have clung to me with a love so firm, so constant, so ardent, so true? I have consulted many judicious and pious friends, both ministers and laymen, as to my duty in this matter; and all, without exception, advised me to return to my old field of labor, and work here with all the zeal and fidelity in my power. For this purpose have I come, and not to sow the seeds of discord among brethren, — not to quarrel with any one, but to “be quiet and do my own business,” — to “seek the things which make for peace, and things whereby one may edify another,” and to exhort you “to go and do likewise.”

Beloved brethren and friends, weighty responsibilities now rest upon us. We have a great work to do. But, under God, we may hope for success. We are a band of brothers and sisters, united in feeling and affection. We are of one heart and one mind. We are not divided in sentiment or purpose. One is not for Paul, and another for Apollos, and another for Cephas, but we are all, I trust, for Christ. Of course we shall all be united in effort, striving together in our prayers and exertions, and for the conversion of sinners and the increase of the church. For myself I expect not a life of indolence and ease among you, but of labor — constant and persevering labor. But to this I have long been accustomed, as you yourselves well know. Only let me have your coöperation, your encouragement, and your prayers, and I shall not labor in vain, or spend my strength for nought. God is now blessing me with far better health than I

have enjoyed for many years ; and if it please him to continue it, I design to toil unceasingly for your good, " being instant in season and out of season."

We have entered on an arduous, though honorable and praiseworthy enterprise ; and for a while at least, we must make great sacrifices, and practise much self-denial. But our cause is good, and sure I am that we shall not say on a dying bed, or at the bar of judgment, that we labored too much, or denied ourselves too much, or contributed too much to sustain so good a cause. For remember, it is not our own cause which we seek to promote, but the cause of Christ ; not our own party which we seek to build up, but the party of Christ. We have no altar here to set up against altar,—no warfare to wage against churches, or societies, or pastors, or individuals around us. We wish to go on in our Master's work quietly and unobtrusively, and as much as lieth in us, to live peaceably with all men of every sect and of every name. We wish so to demean ourselves that if others will speak ill of us, it shall be done falsely. Those who prefer worshipping with us will of course be gratified in that preference, none daring to molest them or make them afraid. To all such we shall bid a cordial welcome ; but we wish for no involuntary — no unwilling worshippers. And such I am sure we shall not have. I am sure that none will join us but those who can give us their sympathy, their confidence, their influence, their prayers, and, as God shall prosper them, a portion of their substance to encourage and sustain us. And with such a band, though not rich or numerous, yet so united in feeling and so harmonious in action, we may expect that God will send down upon us his spirit, and bless us with prosperity.

Having thus commenced my labors, I was hoping that I should be permitted to pursue them without molestation. I did not think that even Dr. Adams could have a heart to pursue me any further. But alas ! how sadly disappointed have I been in my expectations ! It was deemed advisable that at an early day I should be installed as pastor of the Payson Church ; for I soon learnt that the deacons and other enemies were publicly declaring that I had no right to preach, having been put out of the ministry, and never regularly restored. To put a stop to this calumny I found it necessary to

have a council called who should have authority to act in this matter, and who by installing me would settle that question, that it might no longer be urged as a reason why people should keep aloof from my place of worship on the ground that I was an intruder into the sacred office. We soon made arrangements to carry this purpose into effect, and ultimately fixed upon the 19th day of November as the time for assembling an installing council. Having done this, my next object was to select a preacher. I soon determined to ask either Dr. Woods of Andover or Dr. Codman of Dorchester. I hesitated awhile about Dr. Woods, because I was so little acquainted with him; but finally concluded to apply to him first. Accordingly I sought an interview with him at Andover, and asked him if he was willing to preach the sermon at my proposed installation. Dr. Burgess was with me. But neither of us used any arguments or entreaties to induce him to give a favorable answer. On reflecting a short time he said that he knew of no reason why he should not comply with my request, and if his health would permit, I might depend on him for that service. The fact that he was to preach soon became public, and was announced in the papers; for we did not wish "to do this thing in a corner." And I am truly sorry to be obliged to state, as duty will require me to do in the sequel, what unjustifiable efforts were made to induce him to fall back from his engagement. We then determined on the members of the council, and issued the letters missive. And seldom has a more venerable and respectable council ever assembled in Massachusetts for the purpose of installing a clergyman.

As soon as the council was organized on Wednesday morning, a remonstrance was handed to the moderator

by Dr. Blagden of the Old South church and Rev. Silas Aiken of Park Street church, signed by fourteen pastors of orthodox churches in Boston and vicinity, protesting against the council's proceeding to my installation. The remonstrance was in the handwriting of Dr. Adams. I thought then, and think so still, that it would have been much more to the credit of those gentlemen if they had allowed Dr. Adams to present his own remonstrance. And I presume that *they* think so now. Having presented it, they immediately withdrew. Here, then, were Congregational clergymen professedly standing on the Cambridge Platform, protesting against the doings of a regular council without the concurrence of their churches. This is a kind of Congregationalism of which our Puritan fathers knew nothing. And the less their sons know of it the better, unless they are willing to give up *all* ecclesiastical power into the hands of the clergy, and retain nothing for the churches.

I shall not examine at this time and place critically into the merits of that document; this can better be done after I shall have advanced further in my story. Suffice it here to say, that the remonstrance is founded chiefly on the inexpediency of my being installed over a church in Boston,—if indeed anywhere. Now when Dr. Adams wrote that remonstrance, he had previously caused to be inserted in the book of records of the Suffolk South Association that preamble and vote of January 7, 1845, which has already passed under the reader's eye, declaring me to have been proved guilty, by the Exeter council, of three infamous crimes, and which preamble and vote he has since solemnly and frequently reaffirmed, and, for aught I know to the contrary, still holds it to be a true record. And here I ask, if that record was true, or if Dr. Adams believed it

true, why did he not incorporate it into his remonstrance? That would have been sufficient, with no other signature but his own. He would then have been under no necessity of applying to other clergymen for their signatures, — certainly not, for sending, as he did, to Newburyport to Drs. Dana and Dimmick for them to unite in the protest. Yes, that preamble and vote, if true, (and he said they were true,) had been sent to that council in his remonstrance, their proceedings would have been arrested at once; for if that council had installed me with such a record before them, they would have been the objects, and deservedly so, of the contempt and indignation of the whole community. The bare fact that he did not send that preamble and vote to the council, shows a consciousness of its falsity. And had he inserted it in his remonstrance, I do not believe that he could have obtained a single name, except his own — no, nor even that; for he has not moral courage enough to do such a deed in the sight of honest men, like those who composed that council.

When the remonstrance was presented Dr. Woods was at his lodgings, too feeble to be with the council, unless especially needed. From what had been said and written to him, as I afterwards ascertained, he doubtless anticipated trouble; and so he sent a note to the council signifying to them, that if his presence was required, he must be sent for. His judgment was needed with regard to the proper notice to be taken of that remonstrance. Some were disposed to take no notice of it at all, but lay it on the table as an insult, as if they did not know how to act in the matter before them, without their dictation; knowing just as well the merits of the case on which they were called to act, as the remonstrants themselves. And so Dr. Woods

was called in. He said in his peculiarly mild way, "those are good brethren, though they are under a great mistake here ; still I think we had better read the paper, and appoint a committee to make a brief reply." The paper was therefore read, and the committee appointed. The Dr. remarked, that one objection they could very easily remove,—and that was, I had never been regularly restored to my office ; for, said he, "we are an ecclesiastical council, and have full power to restore Mr. Fairchild to office, even if he is not already restored." And so he himself drew up the following resolution :—

*Resolved*,— That it is the judgment of this council, that, on the ground of the evidence exhibited before the court of justice, and the verdict of the jury, taken in connection with the result of the ecclesiastical council at Exeter, the Rev. Mr. Fairchild ought of right to be, and he is regarded by us as in good standing as a minister of the gospel, and that if we proceed to install him as pastor of this church, it will be on this principle.

And yet in the face of this resolution, emanating from such a source, Dr. Adams and his associates, deny me the standing of a Christian minister, and have been pursuing me to this day as though I had been pronounced by the verdict of my peers, a felon and an outlaw!

## CHAPTER X.

THE council, having previously attended to the preliminary steps, such as examining the candidate as to his doctrinal and experimental acquaintance with the gospel, and his ability to defend it, voted to proceed with the installing services at two o'clock, P. M., and assigned the parts as follows:—Invocation and reading the Scriptures to Rev. Nathan Munroe; prayer to Rev. Dr. Sheldon; sermon to Rev. Dr. Woods; installing prayer to Rev. Reuben Emerson; charge to Rev. Dr. French; right hand of fellowship to Rev. Dr. Burgess; concluding prayer to Rev. David T. Kimball.

The services were performed in accordance with the preceding arrangement. The following gentlemen having been invited to sit on the council, sent letters apologizing for their absence. Rev. Dudley Phelps of Groton, Rev. Nathaniel Bouton, D. D., of Concord, N. H., Rev. Gardner B. Perry, D. D., of East Bradford, and Rev. Alfred Ely, D. D., of Monson. Two of those gentlemen had previously engaged to attend an ordination elsewhere on the same day. One was confined to his house by sickness, and the other by the infirmities of age. As the letters were all in a similar strain, approving the object for which the council had been called, I need not insert them here. I will give only one, principally for the reason that he was my theological instructor, Rev. Dr. Ely.

MONSON, November 15, 1854.

REV. J. H. FAIRCHILD:—

Dear Sir,—I received the invitation of the Payson Church and Society to sit in council, to be convened on the 19th inst.

for your installation. I am sorry to say that the season of the year, together with my age and infirmities, will probably prevent my attendance; but you will have enough without me. As I have been fully acquainted with your character and religious views from the beginning, and also have been informed in all the proceedings in your late trial, I should fully acquiesce in that result which shall install you as pastor of that church, and minister of that people. That such *ought* to be and *will* be the result I have no doubt.

Yours with Christian affection and sympathy,  
ALFRED ELY.

After the public services, the Rev. Drs. French, Sheldon, and Burgess, the committee appointed to make a respectful reply to the remonstrance of Dr. Adams, signed by himself and others, reported as follows, which was unanimously adopted.

The Ecclesiastical Council convened in this place at the request of the Payson Church, send greeting to Rev. Messrs. Blagden, Aiken, and other ministers in Boston and vicinity:—

REVEREND AND DEAR BRETHREN,—Your communication addressed to us through our moderator, was read and seriously considered.

In reply, we would fully express our respect for your character and our regard to you personally. We trust you have, with sincerity, and from Christian motives, stated your views. We doubt not that, when you are called to act as members of ecclesiastical bodies, you do it in the fear of God, and in reference to the account to be rendered at the last day. We hope you will allow us also to act on our own conviction of duty; and it is with this conviction that we have unanimously voted to install the Rev. Mr. Fairchild as pastor of the Payson Church. We have found that this church was regularly organized by a council fully competent, and well acquainted with the circumstances of the churches in this vicinity.

We are, brethren, with sincere regards, yours in the faith and fellowship of the gospel. In behalf of the council,

D. T. KIMBALL, *Scribe*.

The opposition which it was well known beforehand would be made to my installation, brought together many individuals who would, probably, not otherwise

have attended. Among this number was the late Rev. William B. Tappan, "whom to know was but to love." He listened with deep interest and many tears during the installing services. He was previously made acquainted with the fact that a remonstrance (or as he humorously called it), a monster was going to be led into the council-chamber to frighten them away, without daring to act in the premises. He wished to commend them for their independence and Christian boldness in determining to do what they believed to be right, regardless of such formidable opposition. Immediately on his return he wrote me the following lines, which came safely to hand the next day.

"Honor to these! the reverend and the wise,  
 Free from hot blood and hastiness of youth,—  
 Who search, and find, and vindicate THE TRUTH;  
 And 'mid earth's cynosure of angry eyes,  
 Look to the calm attestment of the skies  
 Unmoved, though names and influence join the cry  
 Of coarse and keen assassins — 'Crucify!'  
 Conscience acquits them. The death-hour that tries  
 Severest, shall approve the worthy deed  
 Of blessing the oppressed when bad men rail.  
 ————— Think on their meed

When the white throne is set, and worlds are pale!

My God! *their* prayer who heeded anguish, do THOU heed!  
*Wednesday evening, Nov. 19, 1845."*

I retired to rest that night with my mind greatly relieved from the anxiety and distress which the scenes of the day had occasioned, thinking that now my troubles were over, and that Dr. Adams would submit to the doings of such a respectable council, and no longer seek my ruin in the face of such high ecclesiastical authority. But my bright hopes of being let alone to do my Master's work without further annoyance, were soon shrouded in darkness. His defeat by the council, so far from

calming and restraining him from pursuing me further, seemed only to inspire him with new zeal and a more fixed determination to accomplish his long cherished purpose of silencing my voice as a preacher.

There were several members of Dr. Adams's church residing in South Boston at that time, who attended on my ministry, and wished for membership in the Payson Church. Early in December, a gentleman and his wife, members of Dr. Adams's church, presented a letter to that church, and requested to be dismissed and recommended to my church. Dr. Adams was very earnest in his opposition to the granting of the request, and said that he would resign his office sooner than sign such a letter. I was told, too, by those who heard him, that he stated to his church that my church was not regularly organized, nor was I regularly in the ministry, and that Dr. Woods consented to preach my installation sermon by the influence and entreaties of Dr. Burgess, which was totally untrue; and also that I was afraid to have the Exeter council come together again to take any further action in my case, which he represented to his church as a suspicious circumstance. The subject was then postponed for further consideration, and, finally, on the evening of the 26th of December the request of this gentleman and his wife was refused by a vote of eleven to sixteen.

I will here state that while Dr. Adams was refusing with such obstinate persistence to recommend his members to my church, Dr. Woods, ascertaining the fact, and having been his theological instructor, writes him a kind letter, entreating him to change his course. I will here give the testimony of Dr. Woods, under oath. He says, "I had a correspondence with Mr. Adams in relation to the dismissal of his church-members. I endeavored to

satisfy him of the necessity of giving such dismissals. Dr. Adams replied by expressing a strong conviction in his mind that Mr. Fairchild was not worthy to be sustained in the ministry." Dr. Adams, it seems, thought himself wiser than his venerable teacher.

It was now very evident to my mind that I must have further controversy with Dr. Adams in self-defence, or lie down and allow him to trample me in the dust, and break up and scatter my flock. I concluded, therefore, that the first and most judicious, and perhaps the most successful step, would be to appoint a committee of my church to review his remonstrance, which he induced that amiable and worthy brother, Dr. Blagden, to present to the council at my installation. We perceived as soon as we read the remonstrance, that it was founded on false premises, and contained statements which the facts in the case would not warrant. But we were willing, for the sake of peace, to let it pass unnoticed, and were resolved not to trouble ourselves or agitate the public mind any further with our difficulties, well knowing that such controversies among ministers and churches could be productive of nothing but evil. After much reflection we came to the conclusion that we were now brought to that point where further forbearance would cease to be a virtue. Therefore on the 12th day of January, 1846, after learning what Dr. Adams had said about resigning his office rather than recommend his members to our church, we appointed a committee of three to consider that remonstrance, and to take such action in the case as might seem to them most expedient and proper. In due time this committee gave their views of the remonstrance, which were soon laid before the public in a printed form. And it is to this review that I referred on a preceding page, when speak-

ing of the many attempts which were made after my acquittal in court, to prevail on the moderator and scribe of the Exeter council to reassemble that body to reverse their decision. No suitable reply could have been made to the remonstrance without adducing the correspondence which then took place between myself and others on the subject of recalling that council. And I now propose to copy such portions of that review as may seem necessary to let my readers see that the fault, if any there be, for not reassembling that council, does not rest on me.

The chief objection which the signers of the remonstrance urge upon the council against their installing me is, that I was deposed from the ministry and not regularly restored. To avoid repetition, I will pass over what my committee here say in answer to this objection, and insert certain letters written by respectable clergymen, giving their views on the subject of my deposition from the ministry, and the recalling of the Exeter council, which my committee published and commented thereon in their reply to Dr. Adams's remonstrance.

The first letter is one addressed to me by the Rev. Dr. French of North Hampton. I give it entire:—

NORTH HAMPTON, N. H., Sept. 15, 1845.

REV. AND DEAR SIR,—I return to you the letter which you received from Dr. Storrs. I admire the frankness, integrity, and kindness which it exhibits. With measures which have been taken in regard to the reassembling of the former council, he does not seem to be acquainted. If he were, I think he would see that your only alternative is either to cease entirely henceforth from the exercise of your ministry, or retain the position in which from the first you believed you were placed by the result as followed by the acquittal.

It may not perhaps be amiss for me to state on paper a few facts, which you may, if you wish, communicate to any of your

friends who may think that further efforts should be made to obtain a formal reversion of the decision of the council. You have, I suppose, similar facts in your possession. I will state a few things within my own knowledge.

In April I received a letter from one of the most respectable and influential ministers in the centre of the State, inclosing a letter from a no less respectable minister in the western part of the State. The writers voluntarily and distinctly expressed the opinion that it was the duty of the council to reassemble and reverse their decision, and called for some measures to be taken to effect it. I did not consider this business as devolving on me. My own opinion was that the term for which you were suspended had terminated, the acquittal having set you at liberty to resume the exercise of your ministry. But as the Christian public did not appear to be satisfied with the silence of the council, it seemed desirable that in justice to you and to themselves, they should in some way affirm the decision of the court. The letters referred to were read to the Piscataqua Association, who, without discussing the subject, desired two of their members, who were of the majority of the council, to correspond with the scribe, or with the moderator and scribe, about a reassembling. About the middle of May, one of the brethren communicated to me Brother Dimmick's reply, as follows:—

“ Mr. Fairchild has given to our result a construction which it will allow, though I do not think it is what the council contemplated. For myself, I supposed further action would be had by the council in case of further light. In the present position of affairs, I do not see that we have any thing further to do. Suppose we should come together again, with independent minds, to reëxamine the case and rejudge it, in the new light now said to shine on it, would Mr. Fairchild, if his construction of our result be correct, be under any obligation to acknowledge us? If we should ask him to recall his witnesses, or give us the new testimony, would he not have a right to say, ‘Gentlemen, I have your verdict already, and have complied with it,’ etc. If Mr. Fairchild expressly calls the council together again, and recommits the whole subject to them for adjudication, receding from his present construction of our former result, then I think the council may properly reassemble. The way will be plain. Otherwise I think we have nothing further to do in the case.” To this quotation was added: “He says that Dr. Dana concurs with him in the views he has expressed.”

Some of your friends had prepared a letter to the moderator and scribe, expressly requesting the reassembling of the council.

The letter, to which there was several signatures, was handed to me, with a request that I would present it to two of the ministers in the vicinity who were of the majority of the council, and both of them candid as well as conscientious men. One of them declined signing it on the ground that the reassembling of the council was unnecessary, and that it ought to be established as a principle, that an acquittal by the civil court restores the person acquitted to his former functions. The other declined giving his signature unless you would engage to submit your case again to the council, the investigation to be taken up where it closed before, and the new evidence examined.

With these and other developments of the diverse views existing among the members of the council, it seemed to me that should we reassemble, we should "come together not for the better, but for the worse," in respect to the members of the council themselves, and the cause of religion. You were advised to stay the proceedings of your friends in regard to requesting the recalling of the council, and to have such as might be disposed give you their opinions, as individuals, on the operation of the result of council, followed as it was by your acquittal in the civil court; and let these opinions pass for what the Christian community might account them worth.

Dr. Storrs expresses his conviction that nothing but a "council of some sort — the old one if possible, or as large a part of it as can be collected — and a review by them of your case *as it now stands*, with such a result as they would doubtless arrive at," will "restore you to universal confidence and your former usefulness."

You did think of another council, but our highly esteemed moderator, in his letter which you showed me, said, "I have serious doubts as to the regularity and expediency of the measure. The council, if assembled, will be strictly of an *ex parte* character. Can they speak with the requisite authority and efficiency?"

As to the former council — if it has nothing further to do in your case, unless you, with the provisos named to you, expressly call us together, that question is undoubtedly settled. The members of that council, should we reassemble, would doubtless all act honestly. But enough has transpired to make it evident that we should not act unitedly. And did not your entire and honorable acquittal, of which you have been fully put in possession, cost too much time, privation, and suffering, to say nothing of pecuniary expense, to be given over to our uncertain management and disposal? Would it be right to submit

the whole case to us *for adjudication*, — to refer it back from a tribunal acknowledged through the land to be fully competent, to one which has justly, from the nature of the case, declared itself to be incompetent to compel the attendance of witnesses, and the utterance of all the truth; and which remains, and must remain, in these points, as incompetent as before?

The council leave you in your present position, having nothing further to do in your case, thus tacitly acquiescing at least, in the adjudication of the civil court, and in your construction of the result. If there is any thing uncongregational in the matter, I do not see that you are responsible. It would have been Congregational in the days of the Mathers, for a church, (and the same principle applies to councils,) in such a case as yours, to have deferred coming to a decision, till the civil court had taken cognizance of the case, and compelled witnesses to give in their testimonials.

But it was my purpose to state some facts in regard to the position in which you are placed, rather than to remark upon it. May it please God to direct and overrule every thing in your case, as shall promote his glory, the interests of truth and righteousness, the peace of our Zion, and your own satisfaction, usefulness, and comfort.

Yours in the gospel,

JONATHAN FRENCH.

The following are the letters referred to by Mr. French as having been read to the Piscataqua Association: —

HANOVER, N. H., April 2, 1845.

REV. N. BOUTON: —

Dear Sir, — Yesterday I read for the first time, Mr. Fairchild's defence of himself, not having been able to get hold of it before. Previously I had not read any account of the trial at Exeter, nor any thing about it, except now and then a short paragraph, and the review and rejoinder in the *Puritan*. So far as I had any opinion, it was unfavorable; but I was anxiously waiting for the trial at Boston, to see the evidence on Mr. Fairchild's side. That trial passed, and I have seen the evidence. The result is my entire conviction of his innocence, and an abhorrence of his malicious persecutors. I am equally convinced that it is the duty of the council to reassemble and reverse their decision. The legal tribunals of the country, especially of Massachusetts, stand immeasurably higher than the council at Exeter, having only the evidence on one side before

them, and should be regarded. The Suffolk Association also, for the same reason, should reverse their decision.

But I fear lest the obstinacy of human nature, which hates to acknowledge an error or a fault, will make them delay or refuse to do what is right in this case. The cause of religion and Congregationalism has suffered grievously in this whole matter. As an individual, and as a minister, I feel it; and therefore, as well as for justice to Mr. Fairchild, I wish to see the brethren of the council and association reverse their decisions. And I wish to see them do it without delay. They need not be afraid of hasty action, having so good a precedent, that is, their own; for they acted hastily on one-sided evidence. If they acted right then in respect to haste, *a fortiori* they would act right now in the same respect, having the evidence of both sides before them.

I suppose your sympathies have been with Mr. Fairchild from the beginning, and as you are in the centre of the State, I think you are called upon to interest yourself in the matter. I will help do any thing to follow out the feelings expressed above, if there is need of any thing being done. I hope there will be no need, but that the decisions will be reversed promptly.

Yours in the gospel,

JOHN RICHARDS.

*Mr. Bouton's letter to Mr. French.*

CONCORD, April 8, 1845.

REV. JONATHAN FRENCH:—

Dear Sir,—I take the liberty to forward the inclosed letter to you, expressing my entire concurrence in the opinions expressed. As you were one of the older members of the council and near to Exeter, it has occurred to me that it would be suitable for you to take proper steps for the reassembling of the council. I am somewhat at a loss how it can, or rather ought to be, done. Would it be competent for the moderator and scribe of council to issue a call? or might it properly come from the church in Exeter? I earnestly hope that something will be done, and that our reproach will be wiped away.

With much respect and esteem,

I am very truly yours,

NATHANIEL BOUTON.

Early in May or June the Woburn Association passed a resolve, and sent it to the moderator, requesting him to reassem-

ble the council for the purpose of rescinding their decision by a formal vote ; but without effect. We have the moderator's letter in reply before us ; but as it is in substance a copy of his letter to Mr. Fairchild, it will not be necessary to publish it.

We will now give Mr. Fairchild's letter to Dr. Dana.

EXETER, June 5, 1845.

MY DEAR SIR,— After consultation had with several gentlemen of high character and standing in the ministry and the church, I am convinced that it is not my duty to request you to reassemble the council. It seems to be the general opinion that if the council reassemble at all, it should be done without any agency of mine. My understanding of the matter is this: after having been before the proper legal tribunal, as was virtually recommended by the council in their result, and obtained an honorable acquittal, I should at once be restored to my office. Such was the opinion of my legal advisers, and of the Rev. Messrs. Hopkins, Burgess, and French, who were members of the council, and who immediately invited me into their pulpits. I further understood that if I was acquitted by the court, the officers of the council would forthwith reassemble that body for the purpose of reversing their decision by a formal vote. I thought I had reason to expect this from a communication in the *New England Puritan*, written by the scribe, and professedly expressive of the views of the council, in which he says, "Should another tribunal elicit new facts, and put a new face upon things more favorable to Mr. Fairchild, none will more gladly hail the light than those who have now felt constrained to vote against him. Should evidence be produced effecting his entire exculpation, and setting him forth to the world as an innocent man, they would haste with unutterable joy to reverse their present decision, and reckon him again among the faithful ministers of Jesus." Such evidence, in the opinion of an impartial jury, has been produced ; but there has been no reassembling of the council to reverse their decision.

From the letter of the scribe to the Rev. Mr. McEwen, it seems to be his opinion that the council have nothing further to do in the case, unless I expressly call them together again, and submit the whole case to them for adjudication, receding from my present construction of their former result. To reassemble the council for such a purpose, after I have done all which their decision seemed to require of me, is deemed unreasonable in itself, while it will subject me to an expense which I can ill afford to bear.

I receive intimations from all quarters that further action in my case is desirable. Such action is deemed by many wise and good men to be due to the ministry and the churches, as well as to myself. The probability, therefore, is, that I shall take some such action as I suggested to you in our late interview. And had you not signified to me your wish not to be invited for reasons which you mentioned, an invitation would be extended to you most cheerfully.

Yours, with much respect and esteem,

J. H. FAIRCHILD.

*Dr. Dana's Reply.*

NEWBURYPORT, June 7, 1845.

REV. J. H. FAIRCHILD:—

Dear Sir,—Your letter of the 5th was received last evening, and I take the earliest opportunity to reply. You doubtless recollect that at your visit at my house some weeks since, I gave you my reason for not having requested the council to reassemble; that I doubted the propriety of the measure, unless it were preceded by a request from you. I stated likewise, that if such were your request, I would at once issue the requisite letters of invitation. You readily acceded to my suggestion; and it was mutually agreed that your request should be made in writing; and likewise that your letter should explicitly state the precise object of the meeting, and the point or points to be submitted to the council's decision. For several days after your return, I expected to receive from you a communication of this tenor.

But your views are since changed. Your letter expresses the opinion that the council were bound to reassemble and reverse their decision without any agency of yours. This opinion you ground chiefly on a communication in the New England Puritan. Still you are aware, and the public have been expressly informed, that in this matter, my brother Dimmick spoke for himself alone, and did not in any degree commit the council. I need not however argue this point at large, as you do not request a reassembling of the council, but explicitly declare your conviction that it is not your duty so to do.

Whether the council are censurable, and myself emphatically so, on the score of their not having spontaneously reassembled to consider your case, this is a point on which, being personally interested, I would avoid a too confident judgment. I readily admit that the terms of their result, (which was unhappily on this point, too inexplicit,) authorized you to expect that in case of your acquittal by another competent tribunal, you should find

relief from the censure of the council. But whether this relief should follow of course from the simple adjudication of such other tribunal, or should come from the action of the council, in view of such adjudication, is a point susceptible of some doubt. I have myself adopted the *latter* view; and so, I believe, have the majority of the Christian public. But you, Sir, suffer me to remark, have adopted the *former* construction, as is perfectly evident from your declaration before the court in Boston, and from the course which you have subsequently pursued. Having done this, have you not virtually repudiated the reassembling of the council? Have you not declared it to be useless and needless? Should the council after this, reassemble and act, — should they even by a formal vote, restore you to a regular standing, would they not expose themselves to the charge of supererogation or officiousness?

Nor can I see but my respected brethren of the council who have invited you to their pulpits, have adopted the same conclusion. In the act referred to, have they not treated you as already restored to your office and functions, and thus virtually declared that any further act of restoration is useless and superfluous?

These remarks I have made, not with a disposition to be captious, or even needlessly precise, but with a simple desire to do justice to the subject, and shield myself, and a portion of my brethren, from undeserved reproach.

I sincerely thank you for excusing me as it regards the council you contemplate inviting to meet on your affairs. Indeed I have serious doubts as to the regularity and expediency of the measure. The council, if assembled, will be strictly of an *ex parte* character. Can they speak with the requisite authority and efficiency? But I forbear. It is my ardent desire and prayer that all your difficulties may be settled and terminated in a way in which the glory of God may be promoted, and the interest of truth and righteousness established.

With sincere regard, I am, dear Sir, yours,

DANIEL DANA.

We cannot but notice in this letter how very careful the moderator is, not to acknowledge any superiority of the civil court over the ecclesiastical. In the result of council for which he voted, the civil court is termed a "*more competent tribunal*;" but the doctor omits the word *more* in his letter, and simply says "another competent tribunal." We have no wish to argue the point here as to the superiority of the respective

tribunals; neither would we reproach the majority of the council by designating their doings at Exeter, as did our law reporter, by the term "*old womanism*;" but we will venture to advise all clergymen, who may hereafter be accused of crime, if conscious of innocence, to cast themselves on the laws of their country for protection.

The moderator seems to argue the case as if Mr. Fairchild wished him to reassemble the council to restore him to the ministry. Mr. Fairchild, however, did not wish him to recall the council for such a purpose, for he regarded himself as already restored; but simply to reverse their decision by a formal vote, in order to satisfy that portion of the Christian public who thought that such action, on the part of the council, ought to take place, and to fulfil the published promise of the scribe that the council "would haste with unutterable joy to reverse their decision," in case of Mr. Fairchild's acquittal by the "more competent tribunal," to which he was referred. If Mr. Dimmick "spoke for himself alone, and did not, in any degree, commit the council," he certainly spoke as an officer of the council, and made the moderator speak with him too, by appending his name to the communication; and, as an officer of the council, he had the same right to issue letters in his own name to reassemble that council. And if he had issued such letters in his own name, omitting the moderator's, we doubt not that the summons would have been obeyed. At least we think that in fulfilment of his public promise, he ought to have made the attempt. He would thus have redeemed his pledge, whether they came at his call or not.

Neither does the moderator, in his letter, notice the condition on which alone he would consent to issue the requisite letters of invitation to the council, and which condition constituted Mr. Fairchild's principal objection to his requesting him to issue the letters. He would not make such a request, and he so informed Dr. Dana in his letter, if he must first repudiate the verdict of the jury, and consent to submit his case anew to the adjudication of the council, acknowledged by themselves to be incompetent, and incur the great expense of time and money to recall his witnesses, all of them residing in other States, and many of them more than one hundred miles distant, and some of them from home, thus rendering it impossible to bring them before the council. On reading the moderator's letter, we were surprised that he should have passed over these matters in silence. But we forbear making any further comments. We are content to let the public read and judge for themselves.

The following letter of Mr. Fairchild to the Rev. Dr. Storrs, was written under circumstances demanding an explanation. Mr. French in his letter refers to a paper signed by individuals expressing their opinion on the operation of the result of council as followed by the verdict of acquittal by the jury. Mr. Fairchild sent this paper inclosed in a letter to Dr. Storrs for his signature, but which has never been presented, as we are informed, to any other member of the council who voted against Mr. Fairchild :—

EXETER, August 12, 1845.

REV. R. S. STORRS, D. D. :—

My dear Sir,— I inclose you a paper with the request that you will append to it your name, if you are willing to do so. The paper was not drawn up by me, or at my suggestion, but I approved of it, because I thought it better to obtain in this way the views of respectable clergymen and laymen as to my present position and standing in relation to the church and the ministry, than to assemble a council or convention for such a purpose. An expression of opinion by the wise and good, obtained in this way, is just as serviceable to all concerned as if it were expressed by the formal vote of a body of clergymen and laymen convened for that object. It is also a saving of much time, labor, and expense. Most of the names upon the paper were obtained by Brother Bennett of Woburn. Although you may think that there are signatures enough already to the paper, yet it would be gratifying to me if a few names could be obtained of those who were of the majority of the council at Exeter. You are the first and only member of that majority to whom the paper has been presented. And I present it to you, not because I wish to obtrude myself upon you, or place you under any embarrassment, but because of the kind manner in which you treated my case, (as I have been informed,) before the council when in secret session, and at other times and places. I have been informed that you voted for the result of council with the understanding that it was a mere suspension from the ministry, till further light could be obtained, and the matter brought before the proper legal tribunal, where evidence could be legally investigated. Before such a tribunal the case has been brought; and, after a most patient, fair, and thorough examination, I was fully and honorably acquitted. What more can be demanded of me? What more can be *expected* of me? You, Sir, I am sure will neither demand nor expect any thing more. I am sure that you do not wish to set at naught the

decisions of our civil courts, or anticipate the decisions of the final judgment. I am innocent of the crimes laid to my charge, as I have affirmed from the beginning, and as I have fully proved to the satisfaction of a jury of my countrymen. All I now ask is, that my brethren in the ministry will do by me as they would have me do by them in similar circumstances. When I appear in the pulpit, (which I do somewhere almost every Sabbath,) I wish to satisfy those who hear me, that I do not preach without the approbation and sanction of the wisest and best men in our churches. Although this is not *absolutely necessary* in my case, yet you will admit that it is very important to my future usefulness and success.

Yours, with much respect and esteem,

J. H. FAIRCHILD.

*Dr. Storrs' Reply.*

BRAINTREE, August 14, 1845.

TO THE REV. J. H. FAIRCHILD :—

My dear Sir,— Your kind favor of the 12th inst. came to hand, with its inclosure, last evening. You do not misapprehend the sentiments of my heart towards you. If I am not deceived, they are such as I should wish you to cherish towards me, were our respective circumstances reversed.

As a member of the council I took the part which duty to heaven first, and then duty to you seemed to require. And acting on the same principle still, I must, though very reluctantly, decline appending my name to the paper you send me.

My conviction is, that the assembling of a council of some sort, the old one if possible, or as large a part of it as can be collected, and a review by them of your case as it now stands, with such a result as they would doubtless arrive at, will alone give you that standing among the churches which shall save you from innumerable unhappy suspicions everywhere, and restore you to universal confidence and your former usefulness. Were your case my own, I should not dare to pursue a different course, whether regarding comfort, reputation, or my future contributions to the welfare of Zion.

As to the expense of the council, it will certainly fall heavier on the members; and for one, I am ready to pay my own board as well as travelling expenses, in order to set matters right. If any of the members do not choose to attend when called on, they must sustain their own responsibilities, without affecting the result by their voluntary absence. A clear and unanimous result

in your favor by that council, though some of the members might stay at home, would place you on high and permanent ground.

To me it seems somewhat indelicate towards the majority of that council for an individual who acted with them conscientiously, to take a position which they are not all invited to take, believing as I do that purely conscientious motives influenced their conduct as well as my own. My impression is that though the council dissolved, they held themselves bound to meet again, if called, in case the appeal to a competent tribunal resulted in your acquittal.

You will see here the reasons why I deem it inexpedient to put my name to the paper. The course does not strike me as Congregational, nor as tending to happy results for yourself or Zion.

Any thing in my power, consistently with the paramount claims of the church of God, I think I can do cheerfully, even to the sacrifice of the last cent of money, and the last fragment of reputation for the relief and defence of an injured minister of Christ; and you well know that few, if any of our brethren, have stood higher in my esteem than brother Fairchild.

That the Lord may guide you to the right way in this, and all other matters, and sustain and assist you, is the earnest and constant prayer of

Your most sincere friend in Christ,

R. S. STORRS.

---

## CHAPTER XI.

THE committee of my church having incorporated the preceding letters into their reply to Dr. Adams's remonstrance, and commented thereon, clearly exonerating me from all blame in the matter of not reassembling that council, proceed to notice other objectionable parts of that remonstrance. The signers of that document say:—

"They are willing to allow Mr. Fairchild all his rights as a citizen, and that they should deem it unjust and even cruel to

subject him to any disabilities for the charge on which he has been tried and acquitted." And do they really *feel* so? Then let them *act* so. Are not *his* rights and privileges as perfect as *theirs*? If it be an established principle that an acquittal by the civil court restores the person acquitted to his functions, what right has any man or body of men, publicly to remonstrate against his exercising those functions? If such conduct be allowed, what inducement has any man who is falsely accused, to appeal to the laws of his country for redress? His acquittal will do him little good. He may afterwards, it is true, walk the streets unmolested, unless it be by the cold looks of those professed law and order loving people, who can ill abide the decision of an honest and impartial jury, though previous to the trial, they expressed great anxiety that the case should be submitted to a jury, and their entire readiness to abide the result. But if this be all the advantage which he gains, why should any innocent man, when indicted for crime, attempt to contend with the Commonwealth, well knowing that he must pay the expenses of the trial even if acquitted, and gain nothing but exemption from confinement in a prison! After a long, patient, and faithful examination of his case, Mr. Fairchild was fully acquitted in the civil court, not by any technicalities or quibbles of the law, but by the force of evidence. And before that court he appeared *voluntarily*, and *demanding* an investigation. And we believe that every candid and unprejudiced person who listened to that trial, was thoroughly convinced of his entire innocence. We know that some of the jurymen, who, at the commencement of the trial, had unfavorable impressions concerning him, were perfectly satisfied by the testimony, of his *moral* as well as *legal* innocence. And we do believe that the ministers of every other denomination in the land, would have rallied around their injured brother, (at least after the law had taken its course and pronounced him innocent,) and given him their sympathy and encouragement, discountenancing all attempts to do him further injury, by inculcating that charity which "*hopeth* all things, and *thinketh* no evil."

But those gentlemen speak of Mr. Fairchild's letter as an objection to his being in the ministry. Now that letter was part of the evidence adduced against him by the government at his trial; and it was one of the papers handed to the jury when they retired to their room. And yet they brought in a verdict of *not guilty*. Why then should that letter *now* be used against him? Is it not virtually saying to the world that they still believe him guilty? And have they any right to do so? Would

they deem it right for any of their brethren in the ministry thus to go behind the law, were the case their own? Would they not call this an "unjust and even cruel interference with their rights and privileges as citizens?"

We contend that the signers of that remonstrance *have* interfered with Mr. Fairchild's rights and privileges as a citizen. They have set aside, so far as their influence goes, the verdict of the jury, as to any special advantage which Mr. Fairchild could derive from it as a minister of the gospel. They have thus attempted to prevent him from laboring in his profession, on which he as well as they must rely for support. He has, too, a dependent, confiding, and deeply injured family, who are looking to him for provision and a home. Most of his property, or rather *theirs*, he has been compelled to expend in defending himself against the attacks of his enemies and persecutors, in the full belief that when the truth came to light and his acquittal was obtained, he would be permitted to labor unmolested among any people who might be disposed to employ him. And having accepted our unanimous and hearty invitation to resume his labors among us, we did anticipate that Christian ministers would let us alone to coöperate in our efforts to convert sinners and build up the church of Christ. These gentlemen speak of "the kindness and tenderness" which they entertain towards Mr. Fairchild. If they had also intimated their readiness to give some portion of their income to aid him in providing for his family, or even to exert their influence to assist him in obtaining some other useful employment in case the council would put their veto on his preaching, we should have been more ready to give them credit for their "kindness and tenderness." We would respectfully ask those gentlemen who signed that remonstrance, whether they could have appended their names to it with this text in their minds: "whatsoever ye would that men should do to you, do ye even so unto them?"

It is our desire, and it shall be our endeavor to live in peace with all our sister churches, and with all our fellow-citizens. We shall never obtrude ourselves upon them in any way. If attacked publicly by responsible individuals, we shall endeavor to repel the attack in a spirit of meekness and love; but we have no reply to make to anonymous communications. We never have, and we never shall become aggressors. We are united and happy with our minister; and we have already a church and congregation far exceeding in numbers our most sanguine expectations. We began the year with an addition of twenty-three to the church, which now consists of eighty mem-

bers. The Lord is blessing us, and we are content. Our prayer to heaven is, that the richest blessings may descend on all our sister churches, and that a spirit of peace, harmony, and love may dwell among them.

We believe that our pastor is an innocent and much injured man. We do not *know* that he is not guilty of the crimes charged upon him. Neither do we *know* that the signers of the remonstrance are not guilty of similar crimes. But we do not *believe* that either he or they are thus guilty. We *do* know that our pastor has not been *proved* guilty; and therefore we feel bound to regard him as innocent. And we do so regard him. We deem it *soon* enough and *painful* enough to believe guilt in a minister, when it is *proved*. If we must err at all, we prefer to err on the side of charity. Most of us have long known him, and confided in him. And our confidence in his moral purity remains unshaken. And we have the fullest evidence that such is the confidence of all who have known him most intimately from his college life to the present day. We beg, therefore, that we may be permitted to sit quietly under his ministry, without forfeiting our privileges as a sister church. The pastors can control their own pulpits without complaint from us. We are satisfied with the preaching of our own minister; and if, at any time, he wishes for an exchange, he can be accommodated by clergymen of high standing, without embarrassment to themselves or their people. We do hope and pray that there will be no occasion for us to speak again to the public on this painful subject. We now want peace. "Blessed are the peacemakers." If any are still disposed to annoy us, we would say to them, leave us to God, the Judge of all men, who will assuredly do right. To our Master we stand or fall. We would further say, in the words of a learned doctor among the Jews: "Ye men of Israel, refrain from these men and let them alone; for if this council or this work be of men, it will come to nought. But if it be of God, ye cannot overthrow it; lest haply ye be found to fight against God."

EBENEZER HAYWARD,	} Committee.
CALVIN WALTON,	
W. A. AIKEN,	

One of the most important statements in that remonstrance the committee did not notice. In order to make the object of their remonstrance sure in deterring the council from proceeding in their rash and daring at-

tempt to install a man of such a character, as they had been declaring me to be, they inserted this sentence, "It will be impossible for us, however much we might desire it, to give to him, or to any church who may employ him, our ministerial fellowship." This statement it will devolve on me to notice, which I shall do when I come to the appropriate place.

We were hoping that this reply would satisfy Dr. Adams and all his fellow remonstrants, that they had mistaken the facts about which they had undertaken to speak, and that most of their statements were false in their premises and false in their conclusions. But it would seem that the clear statements and conclusive arguments of the committee of my church, had no convincing or softening influence on the mind of Dr. Adams. This was made apparent in a very short time. From the records of Dr. Adams's church I insert the following: "February 6, 1846. A letter was read from William L. Jordan and wife, requesting a letter of dismissal and recommendation to the Payson Church. Postponed, on motion of George D. Dutton, to the first Friday evening in March. March 6, the request came up, and the following vote was passed without discussion, 27 to 21. *Voted*, That the church not being prepared to grant the request of William L. Jordan and wife, the further consideration of the subject be postponed to the second Friday evening in October next." As this act was done in direct opposition to one of the published rules of Dr. Adams's church, Mrs. Jordan took an early opportunity to inquire of her pastor what it meant. The rule is this: "This church will give dismissal of its members in regular standing on their application, and recommend them to the fellowship of other churches." She wished to know why this plain

rule should be violated in her case, and in that of her husband's? What further passed between them, the reader will find stated and commented on much better than I can do it, when he comes to Mr. Clifford's argument, almost the whole of which he will find in a future chapter; and many other matters I shall notice as briefly as possible as I go along, because they are so clearly stated and so truthfully commented on in that argument. All needless repetition I shall studiously avoid; though I am aware that *some* is indispensable to a correct understanding of my case. I will simply say here, that Mr. Adams told Mrs. Jordan that before the six months had expired, she would be convinced that all which had been said about me was true, and that probably before that time there would be no Payson Church.

On hearing this statement from Mrs. Jordan, and also an intimation from another quarter, that some awful disclosures were about to be made, which would show the world that I was as bad a man as anybody ever supposed me to be, I concluded at once that my first impression on reading his Marblehead letter was correct, and that the time had now come when it was my duty to answer it. True, I was not ready, after all this unkind treatment, wholly to give up the idea of reaching him, if not by argument, at least by entreaty. Though he was ready to denounce me as an abandoned wretch, and immediately reported to a brother clergyman that he "saw the picture of hell in my countenance," simply because I was silent on one occasion when he proposed to me a certain question,—which question I had just answered him explicitly in the presence of witnesses, yet I could not so easily sever the bonds which had bound us together; no, not even after all the demon-

strations which he had made against me. So tenacious was his hold on my confidence, that I still indulged a secret hope, that after all he might be a good man, though in a grievous error. But notwithstanding this hope, I could not wholly avoid the fearful apprehension, from what he had already done, that his war on me was to be a war of extermination,—that he would avail himself of his own wealth, and that of his rich friends and parishioners, together with his high standing in the church, reputed to be at the head of the orthodox denomination in Boston,—I was fearful, I say, that he would wield all these advantages against me a poor clergyman, and possibly never rest nor let me rest, till he had driven me from my pulpit, if not into my grave. In this state of mind, and under these discouraging circumstances, I concluded to reply to his Marblehead letter in as kind and brotherly a manner as possible, hoping that in this way I might reach his heart, and induce him to retrace his steps, or at least to lay down his weapons and pursue me no longer.

---

## CHAPTER XII.

I THEREFORE addressed him a letter dated March 10, 1846, a few extracts from which I will here insert, that the reader may have an opportunity of judging of the spirit and object of the letter, simply remarking that this letter and two or three notes, together with Dr. Adams's reply, were published in a pamphlet near the

close of the same year, entitled "*Correspondence between Rev. Nehemiah Adams and Rev. J. H. Fairchild, with Notes and Comments, by a Committee of the Payson Church.*" The cause of the publication of this correspondence will be stated in the proper place.

BOSTON, March 10, 1846.

TO REV. N. ADAMS:—

My dear Sir, — In addressing to you this letter, I beg leave to assure you that I am not actuated by any unkind feelings, or any desire to injure you in your character as a man, or in your profession as a minister of the gospel. In both these respects, and indeed in every other, I wish you well. And I address you thus privately from an extreme reluctance to agitate the public mind by any further publications in reference to my case, and my present determination not to do so, unless duty should absolutely require it.

There are certain things connected with your treatment of me which I have been wholly unable to explain on any principles of Christianity or civil law. And in saying this I do not mean even to insinuate that you would willingly and wilfully disregard the principles of religion, or trample on the laws of your country. Christian charity requires me to regard you as a good man and a good minister of Christ, and that you sincerely believe yourself governed by the best and purest motives. But while I admit all this, I would respectfully inquire whether it is not *possible* for you to be influenced by wrong motives and feelings, though deeming them to be right? I presume you will not deny that it is *possible* for a man to be sincerely and conscientiously in the wrong. Paul acknowledges that it was once so with him. May it not be so with you? As your friend and brother in Christ, I would affectionately request you to examine and see. Charity compels me and very many of your friends to believe that this is the case, otherwise no explanation could be given of your conduct at all consistent with the principles of that religion which you profess. It is the opinion of many that you hastily committed yourself on one-sided testimony, — that you gave undue influence to impressions; and having made up your mind against me before my trial, you have become unwittingly under the control of that pride of opinion so natural to men, which is very reluctant to say, "I was mistaken." And such I am quite sure would be *your* opinion, were our respective circumstances reversed. And

I entreat you, while reading this letter, to divest yourself of all prejudice, and to fancy yourself placed in my position; and then bring yourself under the entire control of our Saviour's golden rule.

After briefly noticing his course before the council at Exeter, and the use which he there made of my silence when he questioned me at his house, as I have already stated, I then added the following paragraph.

I have said enough to let you see the origin of that strange course which you have pursued in reference to my case. Now admitting you to be a good man,—that you are sincere in your opposition to me and my church, and that you firmly believe yourself actuated in all this by Christian motives, let me request you to reconcile, if you can, your principles with your conduct. Just place yourself in my position for one moment, and then attempt to explain such treatment from any one of your brethren in the ministry, on the principles of Christianity or of civil government. I think you would find it utterly impossible to reconcile the conduct of such a minister with his professed principles. You might deem him a good Christian, but you would not be likely to deem him a *consistent* one. Let me state the case to you and review it, that you may see the position in which you stand as a good man and a good minister; and that you are such I cheerfully concede, only premising that, like every other good man, you may be in error, though honest and sincere.

\* \* \* \* \*

And this brings me to the only key by which I can unlock the meaning and design of your letter. As you felt that you had hurt yourself by the illegal and unchristian manner in which you had been testifying, you were doubtless anxious to retrieve that wrong step, and get rid of that injury. And how could this be done so effectually as by inducing me to go before the council and make a confession? If this could be done, the matter would of course be settled, and no serious injury result to you from your strange testimony on that occasion. This brings me to speak of the first impression which I received on reading your letter. I said to myself, "Is it possible that my brother Adams should be actuated by such a motive,—the motive of sheer selfishness? Can it be that he wishes me to be my own destroyer by confessing what I had solemnly denied,

even when I supposed I had not another hour to live, and of which I knew myself to be innocent? Can it be that he wishes me to do this, rather than that he himself should acknowledge that he had done wrong, and might be mistaken in his impressions?" This was the train of thought which then passed through my mind. But preferring to err, if I must err at all, on the side of charity, I said nothing. I felt it possible that I had misapprehended your motive, and concluded to wait patiently for something to take place which would convince me that your object in writing was not such as I feared it might have been. Well, I have waited till the present time, and nothing has transpired on your part tending to remove my first impression as to your motive. On the contrary, all that you have since done, has only strengthened that impression. I have read the letter often and carefully, and notwithstanding all its honeyed and gracious words, I find it utterly impossible to discover any other motive which could have dictated it, (though charity compels me to believe it possible that your mind might have been in such a state as to prevent you from being aware of it). I may be wrong in this. And I do hope, for the sake of humanity, as well as Christianity, that I am wrong. But I cannot, as at present informed, give it any other construction; and I sincerely believe that every candid, unprejudiced person who should read it, *with a full knowledge of all the circumstances of the case*, would give it the same construction.

I cannot look back upon one act of yours in reference to this whole affair, which does not force on my mind the conviction that I have rightly interpreted the object of your letter. You had committed yourself before the grand-jury; and you are doubtless aware that it was your testimony chiefly which procured the indictment. And having succeeded there by your testimony, you would naturally be anxious for similar success before the council. Well, you succeeded there also. But you soon found that the Christian public were not satisfied with the result of council. The able and lucid review of their doings, published in the Puritan, showed that I was not fairly tried,—that undue advantage was taken of me,—that the committee of the Association went far beyond the limits of their appointment,—that they had too much control over the council,—that they assumed the office of prosecutors,—that they acted a part against me which could not be justified by any law, human or divine,—that they objected to my having a candid and able lawyer who was providentially present, to aid me in cross-examining the witnesses,—and that you yourself, in your zeal to procure my

condemnation, resorted to that unheard of expedient, — *testifying to impressions*, though you might have been as honest and sincere in the matter as was Saul of Tarsus, in his zeal when persecuting the early disciples.

\* \* \* \* \*

Now, my dear Sir, what does all this conduct mean? Is it possible that you advised my coming to Boston for trial, because you believed and hoped that I would be convicted by the jury? and, as a lure to draw me here, said to my friend that you would open your pulpit to me on my acquittal? Can I attach any other meaning to such conduct than that which I have given to your letter? It does seem to me that rather than acknowledge, even by your silence, that you might have done wrong, or been mistaken, you were willing to deprive me of my office, disgrace me and my dear family, and send us forth poor and despised, to subsist on the cold charity of the world. And all this, when no tribunal had even pretended to have proved me guilty, and when you yourself had previously said that you felt bound to regard me as innocent, till guilt was *proved*. O! where is that deep sympathy which you professed for me in your letter? If I could put a more favorable construction on your actions and your letter, I would do it with all my heart. But how can I? Let me quote to you the last paragraph. "If you are innocent, have courage, my dear, *dear* brother. God will glorify himself by you as yet, and you will yet praise him, and your enemies will be found liars unto you, and you will tread upon their high places. In love and prayer and hope, most affectionately and truly yours." Now when you wrote this, you had heard all the evidence before the council, and you believed me guilty. You believed me one of the worst men that ever lived. How then could you call such a vile, abandoned wretch, "my dear, *dear* brother?" You had the same opinion of me then as you would have had if the council had pronounced me guilty, as your subsequent conduct has fully proved. You deemed *my* letter which was adduced as evidence against me at my trial, a strange production for a good clergyman to write. Is it any more strange than *yours*?

\* \* \* \* \*

My innocence has been proved to the entire satisfaction of an honest court and jury. And why should not *you* be satisfied, — at least so far satisfied as to let me alone, and not go behind the law to injure me? Is this acting the part of a good citizen? If a mob or riot should take place in Boston, doubtless you

would inculcate upon your people the duty of obeying the laws and submitting to the constituted authorities. But when a man has been charged with crime, which he solemnly denied, and been honorably acquitted, after a full and fair examination of the case, before the tribunal appointed by the laws of his country, is it not rebellion against those laws to continue to treat him as if he were guilty, and try to deprive him of the benefit of his acquittal? Is this doing as you would be done by? And especially, is this redeeming the pledge given me, in the right hand of fellowship, at my ordination? Was that service a mere unmeaning ceremony? If not, then my brethren in the ministry were bound by it to stand by me and defend me, (as many of them have,) till I was *proved* guilty of the crimes charged upon me. But there has been no such proof. Even the council did not pretend that they had proved me guilty, while the court and jury declared me innocent. Now if you are not satisfied, and still think me guilty, are you not bound, as a Christian and a good citizen, to keep your opinion to yourself? Your declaration that "you are willing to allow me all my rights as a citizen," is like telling a man that you do not wish to interfere with his rights and privileges as a citizen, while, at the same time, you are holding him by the throat and choking him to death. Have you any more ecclesiastical or legal right to say or do any thing to my injury than to the injury of any other clergyman? Is not the broad shield of the law over me for *my* protection, as truly as over you for *yours*? Have you any more right to attempt to close my lips as a preacher, than I have to attempt to close yours? Might I not as well object to your being in the ministry, on account of "the moral tone" of your *letter*, as you have to object to my being in the ministry on account of "the moral tone of my *book*?" If you choose to regard me as a bad man, and to treat me as such, so far as preaching in your pulpit is concerned, so be it. I care as little about occupying your pulpit as did Mr. Kirk, when you excluded him, because you judged it wrong for him to be preaching in Boston as an evangelist. But I *do* care about your attempts to exclude my church from the fellowship of sister churches. You cannot adduce the shadow of an argument to justify such conduct.

\* \* \* \* \*

I have only to say, in conclusion, what I said at the beginning, that charity forbids me indulge the thought that you have been actuated in this matter by a malignant spirit, or that you have not felt as though you were "doing God service." I am sensible that even a good man will sometimes say and do strange

things, when he is conscientiously in the wrong. Neither have I any wish to injure you in any respect whatever. For certainly if I had indulged such a wish, I should have published your letter in connection with the reply to your remonstrance, accompanied with such comments as the composition and object of it seemed to require. But I am so anxious to have this unpleasant controversy ended, that I did not inform the committee any thing about your letter, or that I had any such letter in my possession. I am willing to leave you and your motives, in the part you have taken against me, to the Judge of all men. But I am not willing that you should further seek to injure me and my church either in public or private. Cease from such efforts, and give the regular letters to your members who may wish to join us, and use your influence to rescind the vote of your Association, and you will hear nothing further from me on the subject, either through the public press, or by private letters. But if otherwise, I fear that I shall be compelled, by a sense of duty to myself and my church, to publish to the world your letter and mine. You have the general confidence of the Christian community. And many are ready to ask, "how happens it that Mr. Adams should treat Mr. Fairchild in this manner, after all the evidence which has been adduced in favor of his innocence?" On this account it is, that some to whom I have shown your letter, urge its *immediate* publication, because, in their judgment, it answers the above question, and that I ought to do it in self-defence. Indeed, I have been censured for not having published it months ago. But I wish to do as I would be done unto. My end and aim is peace. And if there be a failure, I do not intend that either you or the public shall lay the blame on me.

I have recently received a letter from a worthy clergyman residing in the State of New York, and whom I know only by reputation, in which, after informing me that he had carefully read the reply to your remonstrance, he says: "The whole matter is presented in a light so clear, that men can no longer conceal themselves or their motives. The question is no longer one of doubt or certainty, but of love or hate; and you will probably find men hereafter to range themselves accordingly." The thought that any, who profess Christian charity, should range themselves on the side of *hate*, is truly painful to me. But if it must be so, I submit, trusting in God to overrule it for good. He can cause even "the wrath of man to praise him."

By my acquittal and my subsequent installation, I claim all the rights and privileges of a citizen and of a minister of the gospel. You have a right, (which I am willing you should exercise,) to

exclude me from your pulpit. Be satisfied with that right. To claim any thing more is a kind of clerical dictation and authority to which, I am quite sure, *the people* will never submit. And to attempt any thing more is not only to violate an important principle of law and gospel, but to break up the harmony of the churches, which you profess so much to dread. And before making the attempt, would it not be well to read over your published sermon "on injuries done to Christ," which created much excitement at the time; and then ask yourself whether *you* may not have injured him, (however unintentionally,) by the course which you have taken in this matter. Does he not regard an injury done to his church and ministers, as an injury done to himself? And ought you not to abstain from any further efforts to pull up what *you* regard as tares, when, by so doing, you may pull up the wheat also? Would it not be much wiser and safer to follow the direction of the Great Husbandman — "Let both grow together until harvest?" Who has made thee a judge over me? To my own Master I stand or fall. There is such a thing as wounding Christ in the house of his friends. And is not such a wound inflicted by treating one of his ministers as a criminal when no crime has been proved against him, and especially when he has been pronounced "not guilty," by an impartial jury?

Yours "in love, and prayer, and hope,"

J. H. FAIRCHILD.

To this letter Dr. Adams soon sent a reply. And that the reader may also see his spirit and object in writing, it is but fair that I should quote some portion of his letter, which he begins by refusing to me my title.

Boston, April 10, 1846.

MR. FAIRCHILD, — I have received a communication from you dated March 10th. Many duties and great doubts whether I ought to answer your letter at all, are the occasion of my not sending this before.

\* \* \* \* \*

I shall tell you plainly and faithfully, but with kindness, what I think of your letter and of you. My hesitation at doing this has made me keep back this letter, and may delay it after it is finished; but I now think it best to send it, especially as you have invited it, and in some measure, made it necessary. To

have treated your letter with silence, might have seemed to you like contempt, which I do not wish to cherish. Yet if I write, I must be honest, and this perhaps will not be acceptable to you, considering what I am obliged to say. You will bear in mind, however, that no one, beside yourself, knows of your letter to me, nor of my reply.

\* \* \* \* \*

With what preface, then, shall I introduce the remark, that your letter confirms all my convictions of your character? The occasion of it seems to be the refusal of my church to dismiss members to your care. This leads you to ask me the reason of my prominent and persevering opposition to you?

\* \* \* \* \*

Your purpose, however, is to intimidate me from holding out in my opposition to you. In the absence of all other probable ways of influencing me, you bring forward my last letter to you, written at Marblehead in July or August, 1844, and pretend to construe it into a plot to screen myself by urging you, guilty or not, to confess before the council at Exeter.

I kept no copy of that letter, and can judge of its particular expressions only by the quotations you make from it. It seems, then, that in the interval of the trial and the result at Exeter, I urged you to confess your sin, before the council should declare against you, and while confession would seem to have any virtue in it. At the same time, it seems that I said to you, "If you are innocent, take courage. Your enemies will be found liars unto you, and you will tread upon their high places,"—with other exhortations to the same effect.

On reading these quotations, it occurred to me that, had I conceived the plot, (which I had entirely forgotten,) of making you confess, so that I might be justified in my convictions and testimony, I used a singular way to effect it. Those words of encouragement and cheering appeals to you, if innocent, were unaccountably indiscreet. I really think I have more art and skill than such a letter for such a purpose would prove. If I am a knave, I know I am not so much a fool as not to write a more insidious letter to accomplish such a purpose. You know it too, and therefore I shall not think of replying seriously to what you have forced yourself to say.

I have often thought of late how that letter must have troubled you, if you were all that I feared. It seems it does trouble you to this day. You knew that I inferred, from your silence with regard to it, that you were guilty, or you would have responded

to it in some moment of kindness. The time has at length come when you feel compelled to notice it; and the way in which you have chosen to do so is, by pretending to impute cunning to me in writing. With all that was sad in my feelings in reading your letter, when I came to that part of it, I could not resist a smile at the ludicrous folly of the invention. But as one quotation followed another, illustrating my former love of you, I felt sad again to think of the past, and to see how desperate you must have grown to invent a charge which your own quotations palpably contradict. The only way in which I could account for this part of your letter, (indeed it is the main design of it,) was by supposing that you had been, for so long a time, engaged in breaking down the character of witnesses against you, and in inventing false explanations, that you had acquired a degree of unearthly skill in the trade. I see through your design. I deplore the sad condition into which the long practice of evil has brought your moral faculties. If you had ever ruined the virtue of an individual, and then, to screen yourself, had contrived to destroy her reputation, you would be in a state of mind which would help you to invent such a construction of my letter, and, what is more, make you bold enough to propose it.

\* \* \* \* \*

I am very sorry to say that no part of your letter awakened any suspicion or hope, in my mind, that you are a good man. The letter throughout is vindictive. It breathes, I regret to say, an insulting, insinuating, retaliatory spirit. Had you been an innocent, injured man, I think your trials would have softened your feelings; and, in addressing me thus privately, however much you might have been grieved at my treatment of you, you would have expressed something like expostulation and sorrow at my mistakes. Instead of this, you pretend, (for it is only pretence,) to impute the worst of motives. You search my public life for something wherewith to provoke me, and ask questions when you dare not assert any thing unfavorable to me.

\* \* \* \* \*

No man living knows you so thoroughly as I do, and if you ask the reason for my feelings and conduct towards you, you have it in the abuse of my confidence, — the injuries of my love. You say, in your letter, "If the *last* charge brought against you had changed my views with respect to the *first*, you should not have been so much surprised at the stand I have taken." Your conduct under the last charge has opened my

eyes. Drs. Woods and Burgess, and Mr. Bennett and others, have not been more deceived than I was. They will, ere long, be undeceived, as I have been.

With such feelings and opinions, you cannot wonder that I am unwilling to dismiss church-members to your care. What would you think of me if I did? Courts of justice may say of you "not guilty,"—ministers may fellowship you,—councils may install you,—churches may dismiss members to your care; but you know me well enough to know that I will never publicly treat you otherwise than as my conscience dictates. You attribute my conduct to what you are pleased to call an "unyielding spirit." Whatever of firmness I possess has enabled me to be of some benefit to you in times past, and if you should ever have occasion for it again, and deservedly, it shall be at your service.

One thing which, in the progress of your affairs, has had an accumulative force in confirming my opinion of your character, is the character of all your public communications. It is very evident that the Spirit of all grace has not breathed upon you in preparing your published writings. The savor of piety, of meekness, gentleness, and forgiveness is nowhere found in them. They are your worst enemies.

In short, were I your enemy, I could wish you no greater evil than that you should continue writing as you have done.

With all my compassion and tenderness for you, I am thoroughly convinced of your consummate wickedness, but with all those convictions I have preached, and trust I have felt too much of the love and mercy of God to despair of your recovery and forgiveness. Hence my letter from Marblehead and this part of the present letter. If there is ever any change in your feelings and determination, you will find me the same firm and faithful friend as ever. I will add, at the risk of being charged with inconsistency, and against all my convictions, if you are innocent, maintain a humble, quiet, steady course of labor for the good of souls, and leave yourself to God. "For remember, I pray thee, who ever perished being innocent, or where were the righteous cut off?"

I may wish, for my own justification hereafter, to have a copy of my letter from Marblehead. If you will send it to me through the post-office, I will copy it with your permission, and return it immediately. That letter was bathed in prayers and tears. I begin to hope that it may be the occasion, if not the means, of great joy to both of us. If you wish to know what I would advise you to do, I will, in the same confidential manner

in which I have written this, and without the knowledge of any one, with deep interest and kindness, inform you. In the mean time, I am, with the utmost benevolence and kindness,

Your friend, N. A.

P. S. I shall not interpret your silence at this reply unfavorably to you. I say this, because, if you are not prepared to intimate any change in your feelings, I should prefer not to spend any more time in a correspondence, and will consider your silence as a mere regard to my wishes.

To this letter I returned the following brief reply:—

Boston, May 12, 1846.

REV. N. ADAMS:—

My dear Sir,—Inclosed I send you a copy of your letter dated Marblehead, July 27, 1844. Your request that I would send the original to you through the post-office, I could not comply with, because letters thus sent are sometimes lost; and I felt quite unwilling to expose your letter to such a hazard.

I presume you did not expect me to make any reply to your last letter. I think that no man, unless lost to all self-respect, would ever take up his pen to reply *privately* to *such* a communication.

If you, in conjunction with those who have, for years, been my bitter enemies and persecutors, see fit to make another demonstration against me, I trust in God that I shall be able to meet it as successfully as I did the others. And I feel truly thankful for those weapons of defence which, in such an event, your letters will furnish. The world will then have an opportunity to judge who has been most injured by his own writings, you or myself. Till then, I shall endeavor, (as I have endeavored from the beginning,) to do as you advise—"maintain a humble, quiet, steady course of labor for the good of souls, and leave myself to God." And if you choose to make any further attempts to annoy and hinder me in this good work, on *you* be the responsibility.

Yours, in great kindness,

J. H. FAIRCHILD.

## CHAPTER XIII.

ON reading the letter of Dr. Adams, the painful conviction was forced upon me, that all hope of reconciliation was now gone,—that for me to put forth any further efforts for that purpose, would be labor spent in vain,—that his hostility and exertions would not abate till one or the other of us was in the grave. And what rendered the case still more painful to me, was the fact that I could not see or imagine any possible motive by which he could be actuated, but the gratification of vindictive malice. He had remonstrated against my installation, and declared that it would be impossible for him ever to acknowledge me as a Christian minister. He had publicly represented my character to be such that the church and the ministry would be dishonored and defiled by allowing my polluted lips to preach the word of life, and my unholy hands to break the bread of life. Was not this enough to exonerate him from all blame, even though I should prove to be, what he had, long ago, declared me to be—“*hell?*” Let me have been as bad, yea, even worse (if such a thing were possible) than he had ever supposed me to be; had he not washed his own hands from all stain in this matter? Was he any more responsible for my morals than for the morals of any clergyman of any denomination in London? Ought he not to have been satisfied with throwing all responsibility in this affair on the council that installed me? which council had all the evidence of my unworthiness which Dr. Adams could possibly have had? But I will not insult the good sense of the reader by further arguing so plain a case.

That expressive declaration to Mrs. Jordan, that before October there would probably be no Payson Church, and of course no pastor, was frequently sounding in my ears, and reminding me that a worse time was coming. But I kept as calm as possible, striving to follow the good advice of his last letter,—“to maintain a humble, quiet, steady course of labor for the good of souls, and leave myself to God.”

Well, I pursued this course, and heard nothing more for nearly five months. I began once more to hope that after so long a calm, Dr. Adams had, at last, come to the conclusion that it was best to perpetuate the calm, and not stir up the then quiet elements into another storm. But here again my hopes were soon blasted. On the first day of September, 1846, I received a note from a friend and former parishioner of mine in Exeter, informing me that a lady whom I well knew, had just returned from a visit to an aged relative residing at Pittston, Maine, stating that while there she read two letters written by Dr. Adams, making inquiries about my moral character. She repeated from memory their contents to my Exeter friend. On the receipt of this note I went immediately to Exeter, and after taking advice, it was thought best for my friend to go to Pittston, and examine further into the matter, and report the result of his investigation to me. Within a few weeks I received from him the following statement:—

EXETER, N. H., October 5, 1846.

I hereby certify that I was at Pittston, in the county of Kennebec, and State of Maine, on the first day of October, this present year, and that I then called upon Mrs. Jewett, widow of the late Enoch Jewett, formerly of said Pittston, for the purpose of obtaining some information relative to a correspondence which I understood had passed between her and the Rev. Nehemiah Adams of Boston, relating to the Rev. J. H. Fairchild.

Mrs. Jewett informed me that she was wholly unacquainted with Mr. Adams; but that soon after her return from a visit in Connecticut, which was about the 15th of June last, she received a note from Mr. Adams, saying that he wrote her by the advice of a mutual friend, for information relative to the conduct of Mr. Fairchild and a Miss P. of Connecticut. He stated that he presumed she did not doubt that Mr. Fairchild was a bad man, and that he thought it a duty which she owed to the cause of Christ to expose him. He promised to keep her name a secret if she would communicate all she knew of him, and assured her that no harm should be done her.

Mrs. Jewett says she replied to this letter, and stated to Mr. Adams that she knew Mr. Fairchild when he was a young man keeping school in Connecticut, and that he paid some attention to a Miss P. who was a niece of hers, and that she was one of his scholars; but that she never heard that he was engaged to her, or that he intended to marry her, and that she never knew or heard of any impropriety on the part of either of them, and that the character of both of them stood high and above suspicion; or in words to that effect. She said she also requested Mr. Adams to give her the name of the *mutual friend spoken of by him*.

Mrs. Jewett says that Mr. Adams replied to her letter, and that he stated he still thought she knew something against Mr. Fairchild, and that he thought it her duty not to withhold what she knew about him, and set forth some reasons (which I have now forgotten) why she ought to expose him; but he did not give her the name of the *mutual friend*.

Mrs. Jewett replied to this letter, as she says, and referred him to her first letter as containing the whole truth relative to all she ever knew or heard respecting Mr. Fairchild and Miss P.; and here, she says, the correspondence ceased.

Mrs. Jewett stated to me that at the time she knew Mr. Fairchild, she should think he was about twenty-two years of age, and that he was unmarried,—that she never, from the time she first saw him to the time she received Mr. Adams's letter, heard of any suspicion or rumor of any impropriety, either on the part of Mr. Fairchild or Miss P., and that if there had been any thing of the kind, she should *certainly* have known it. She also stated that Miss P. was still living, and that her character was now, as it ever had been, above reproach or suspicion. She further stated that Mr. Adams might write to Connecticut for information respecting them for five hundred years, and yet he would find nothing against the character of either. She

appeared to be surprised that a *mutual* friend should have ever put Mr. Adams upon such a false track, and she exhibited the greatest anxiety to know *who he could be*.

ISAAC L. FOLSOM.

The statements of my friend in this letter were afterwards fully confirmed by the testimony of Mrs. Jewett herself, taken in the form of deposition; a few of her statements in answer to questions proposed to her, I will here insert.

"I knew Rev. J. H. Fairchild when he was a young man. I have never seen him since. I never knew or saw Rev. N. Adams. In the year 1846 I received a note and a letter signed by N. Adams, requesting information of what I knew of Rev. Mr. Fairchild. My reply was, that I knew nothing against the character of Mr. Fairchild. Mr. Adams in his second letter stated he thought I knew something against Mr. Fairchild, and thought it a duty that I should make it known for the cause of Christ. He stated that it should do me no harm. My reply was that I had nothing further to say than what I had stated before, that I knew nothing against Mr. Fairchild." Mrs. Jewett was asked in her cross-examination this question: "Did you ever meet the said Fairchild in company with the said Miss P., and if so, how often?" Ans. "I have no recollection of ever being where they were both present, except at some religious meeting. I never heard of any impropriety in Mr. Fairchild's conduct towards Miss P.; nor do I know any thing against his moral character in connection with her or with any one else." I quote thus much of her testimony merely to confirm the statements of Mr. Folsom. I have no comments to make on this singular transaction. I leave that to Mr. Clifford.

On the 16th day of October the case of Mr. and Mrs. Jordan came up for action before the church, agreeably to the vote of the meeting in March. Dr. Adams was more earnest than ever in his opposition. What he said on that occasion is thus testified to by Mr. Samuel W. Lane, a member of good standing in Mr. Adams's church. "At that meeting," says Mr. Lane, "Mr. Adams stated that a communication had come to his knowledge made by one man to another on shipboard, it being done under circumstances, as he remarked, when men are often free and unreserved in their intercourse. He then stated that if this matter was known to the church, and he believed it would soon be made public, though without any agency on his part, they would believe as he did, that there was more guilt resting on Mr. Fairchild's head, than on the head of any man that walks the streets of Boston, or words to that effect. Shortly after these remarks by Mr. Adams the vote was taken, and the letter requested by Mr. Jordan was refused." I have before me the testimony of another member to the same effect.

These statements of Dr. Adams before his church soon came to my knowledge, and I deemed it a Christian duty to write to him the subjoined note.

BOSTON, October 22, 1846.

TO REV. N. ADAMS:—

Sir,—I have been credibly informed that in your church meeting on Friday evening the 16th inst. you publicly said that there was more guilt resting on my head, than on the head of any man who walks the streets of Boston, or words to that effect. Duty to myself, to my family, to my church, and to the ministry forbids me to let this matter pass unnoticed. Several ways of noticing it have been suggested to me. But my only anxiety has been to take that course which is most in accordance with the spirit of the gospel, and most likely to meet the approbation of heaven and of all good men. I have come to the conclusion

that my *first* duty is to address to you this private note, that it may fully appear, in the event of an appeal to the public, that I did not proceed hastily, or without due regard to Christian courtesy and the rules of the gospel.

I must say to you that I consider the attack which you made on me in the presence of your church as wholly unjustifiable and grossly slanderous. Had you any civil or ecclesiastical right thus to attack me? Was it Christianly thus to assail a man in his absence, with no opportunity to defend himself? Suppose any other pastor in Boston had made the same attack on your character in the presence of his church; would you not have deemed it a gross outrage upon your rights and privileges? Could he have done it with impunity? And yet he would not have committed a greater impropriety than you have done. I am as truly under the protection of the laws of the land and the rules of the church, as you would be in the case supposed. I am as truly the pastor of a Congregational church, in every legal and ecclesiastical sense, as yourself.

I have been told also that, in your church meeting, you gave the members to understand that you had seen a letter giving an account of some awful disclosures about me which one fellow-passenger had made to another on board some ship at sea. Why did you not state to them that the letter was shown you by Deacon Drake, and written by Mr. Patton, formerly of South Boston, but now of Hartford,—two men who have done their utmost to crush and destroy me. Why did you not state also that the gentleman who is said to have made the disclosures on shipboard, is now at his home in Boston, within ten minutes' walk of your own house, and request the church to appoint a committee to call on the gentleman and ascertain the facts in the case? Did you not know that you were then reviving an old story which had been proved to be false and slanderous, years ago?

But what surprised me most of all was the misrepresentation which you gave in your church meeting as to the cause which delayed the referees till a late hour at night, in making up their result. Did you not know that the referees would contradict you? Had you forgotten that your only trouble was to determine what ought to be done with the deacons? One of the referees has given me an account of what took place that night, and particularly of what *you* said and did. The time may come when the whole of your doings on that occasion will be brought to light.

When I took up my pen, I did not intend to go so much into

a detail of the matters to which allusion has been made, as I have done. But I do not see how I could have said less, if I spoke at all.

You well know that we are ministers of the gospel and pastors of churches,—that we profess and teach a religion which inculcates peace, charity, forbearance, and forgiveness,—and that we ought to be very cautious how we say or do any thing to wound that cause which we are sacredly bound to love and cherish. With this object in view, I hereby request you to take back what you said in your church meeting derogatory to my character, in the same public manner in which you uttered it, and to give letters in the usual form to those members of your church in good standing, who may wish to join the Payson Church. If you comply with this request, and henceforth treat me and my church with Christian kindness and courtesy, all past difficulties between us may be regarded as settled. But if not, the first step which my church will probably take, will be to request of me the correspondence which has passed between you and me that they may publish it,—a request which I shall grant. In addition to this, they will publish the contents of your two letters recently addressed to Mrs. J. of Pittston, Maine, and of her replies.

A reasonable time will be allowed you to consider and act in reference to this matter.

J. H. FAIRCHILD.

A few days after this I received the following note from Mr. Adams :—

MR. FAIRCHILD,—I received a communication from you through the post-office on Saturday afternoon. I did not open it; and it remains to this moment unopened. You will remember that in replying to a previous communication from you, I said that I would not consent to be addressed by you again in the same manner, and requested, if you had any further communication to make to me, that you would inform me, in a brief note, as to the purport of it. On receiving another communication from you without such an explanatory note, my first intention was to return it immediately. One consideration only has prevented me. I am not sure that some anticipations which you may possibly have formed, may not have changed the tone of your feelings. If so, I would not even seem to repulse you, but would show myself ready to repeat my former acts of good-will towards you. I shall therefore wait to hear

from you, in the manner already indicated, before I read your present communication. I will only add, that recent developments within my knowledge have rendered any further discussion of your case by you, in the last degree superfluous.

N. ADAMS.

In reply to this, I sent the following note :—

BOSTON, October 29, 1846.

TO REV. N. ADAMS :—

Sir, — My letter, which you say remains unopened, contains no confessions or concessions. I was advised by judicious and intelligent clergymen and laymen to send it to you, not so much for my *own* sake as *yours*. You refer me to a former letter of yours, in which you requested me, if I had any further communication to make to you, to inform you in a brief note, as to the purport of it. Since you made that request I wrote you a letter without any note informing you of its purport. That letter has never been returned. The presumption therefore is, that you opened and read it. But perhaps my last letter remains unopened because of the "recent developments which have come to your knowledge." I have only to say that my chief object in writing you the letter was to inform you, in a kind and Christian manner, of some "recent developments which have come to *my* knowledge" with regard to your conduct towards me, that you might not have occasion to say hereafter that I had not treated you as the gospel directs.

I have now done my duty; and I hereby request you to return that letter unopened by my son who is the bearer of this, if it so please you. My church will soon attend to the matter in such a way as duty may seem to require.

Yours, etc.

J. H. FAIRCHILD.

Mr. Adams refused to give up the letter to my son, as I requested; hence the presumption is, that he has since opened and read it.

Perhaps I shall have no better opportunity than this to explain the statement which Dr. Adams made to his church respecting the doings of the referees who sat on my case in South Boston in May, 1844, and whose result I have given in the early part of my book, exculpating me from all blame. Those referees, as I

then stated, were in session till nearly midnight. Dr. Adams represents that in making up their result, they hesitated about acquitting me till half past 11 o'clock at night. Now, Colonel Thomas M. Vinson, one of the referees, gave me a very different reason for their detention till that late hour. He informed me that Mr. Adams had previously drawn up their result, in which he censured the South Boston deacons with great severity, and advised the Phillips Church to discipline them; and if they refused, he proposed to call on the sister churches to withdraw fellowship from that church. The colonel informed me that while Mr. Adams was for censuring the deacons *then*, the majority of the referees objected, on the ground that the deacons were not on trial, and that my acquittal would, by implication at least, be a severe rebuke upon them; and that if the deacons did not henceforth let me alone, quietly to pursue my labors at Exeter, they would then publish to the world what their views were of the conduct of those men in their treatment of me. This counsel prevailed; and the offensive parts of Mr. Adams's draft of the result were erased. The colonel further told me, (and he said the same on the stand in court,) that as soon as the referees went into secret session, Mr. Adams was the first to speak, and that he said, "Now in all this there is nothing against Brother Fairchild: there is not even the shadow of a shade against him." And yet, two years afterwards, as I was informed, he represented to his church, in order to prevent them from recommending members to my church, that the referees were greatly troubled about my moral character, and that their hesitation about clearing me, kept them up to deliberate till near midnight. The Rev. Hubbard Winslow, another member of that board

of reference, testified in court as follows: "I was one of the referees to whom were submitted the charges against Mr. Fairchild before the Davidson affair came up. Mr. Dana was the only one who hesitated about giving Mr. Fairchild an unqualified acquittal, on the ground, as I understood, of there having been something in his conduct a little indiscreet. There were two points, which we had occasion to consider, which caused a little delay in making up the award. One was a part of the report which Dr. Adams had drawn up rebuking or chastising the deacons. The other, about Mr. Fairchild's indiscretion, was very soon disposed of. The one about the deacons detained us some time. There was a perfect unanimity among the referees that there was no moral guilt in Mr. Fairchild; that his motives were pure and good."

The Rev. Dr. Burgess, of Dedham, states, that soon after the Davidson story was circulated, he had an interview with Dr. Adams, and asked him how this last story affected his mind with regard to the matter about which he and others had just sat in judgment, and had given me a certificate fully exonerating me from all blame. He assured Dr. Burgess that the last charge brought against me did not alter his views respecting the first,—that "every thing was then patiently, thoroughly, and conscientiously investigated, and if we were to go over the same ground again, we should come to the same result." But on the 16th day of October, 1846, that matter which was then so clear as not to admit "the shadow of a shade," was now so dark and suspicious, as to fill his mind with strong doubts as to my innocence!

## CHAPTER XIV.

I AM now entering on that part of my story which is to develop such instances of depravity and reckless wickedness, as I think are rarely to be found in any history, sacred or profane. I refer to the story so industriously circulated by Dr. Adams and Deacon Drake, of my having once contracted by my vicious habits an infamous disease. I will state the facts of the case with as much brevity, and at the same time with as much delicacy, as the nature of the circumstances will permit. I shall make few comments as I go along, because the reader will find that portion of these "remarkable incidents" stated and commented on in Mr. Clifford's argument, with all the clearness of the light of noon. But in order that I may do justice to all concerned, in what I am about to state, I must go back a moment to the council at Exeter. The first time I heard of the story was soon after the council had adjourned. As it was reported to have come from my family physician, I could bring nothing to my recollection as to any disease I had ever had, which could claim "even the shadow of a shade" of truth for its foundation. At length it occurred to Mrs. Fairchild that in 1833 I had an inflammation in my urinary organs, and that my enemies had probably originated the story from a recollection of that circumstance. As Dr. George Hayward was my only physician while I resided in Boston, and as she was going to the city the next day, I determined at once to send a note by her to the doctor. She called with my note, bearing date August 29, 1844, and on reading it, the doctor stated

to her,— and the same in substance in a note to me,— that, on the evening of the day when the news first reached Boston that I had committed suicide, he had met some six or eight gentlemen at a medical club, and that there the subject became, for a short time, the topic of conversation. He expressed his surprise at the melancholy intelligence, as he had been my family physician for many years, and had ever regarded me as a pure-minded man. On hearing this statement, one of the gentlemen present remarked to him that he had doubtless been deceived with regard to my moral character, and that there was no doubt but that I had been a man of licentious practices for a series of years, and that now the evidence of my guilt was so plain that I could not get rid of it, and therefore I had confessed it by my rash act. Dr. Hayward was greatly astonished at this intelligence; and under the excitement of the moment made a remark like this: “If such were his character and habits, then I probably made a mistake when I attended him some years ago for inflammation.” This led to another note from me, and another in reply from him, all of which were published to the world years ago. And soon after the publication of this correspondence, I received letters from physicians in different parts of the Commonwealth, entire strangers to me, naming several medical writers of high authority, requesting me to direct the attention of my lawyer to those writers when my suit against Dr. Adams came on for trial, assuring me that those authors would show very clearly to the court that my disease, according to the statements of Dr. Hayward, was very common among males and females of the most virtuous habits, and not infrequent among children.

But this story, as was very natural, occasioned at the

time among my friends a good deal of anxiety and inquiry. Many gentlemen speedily called on the Doctor, to ascertain from him the facts in the case. Among the number who called were Rev. Dr. Dana, Rev. Hubbard Winslow, and Rev. Louis Dwight. These gentlemen were entirely satisfied that the report had no foundation in truth, and that my disease was not disreputable. At least Dr. Hayward says they assured him they were, and Messrs. Winslow and Dwight stated to me their interview with the Doctor, and that their minds were wholly relieved from every suspicion of guilt. And I never heard but that everybody was satisfied at that time. I was told that the matter was up in the weekly meeting of the pastors in Boston, and that the Rev. Mr. Rogers stated to the brethren that he had made inquiry, and was convinced of my innocence. All this was known to Dr. Adams. He was doubtless aware of this report when at the Exeter council, and then gave no credit to it. That was in the summer of 1844. But in October, 1846, this old story was newly vamped up, and Dr. Adams received it into willing ears, doubtless because he could use it to great advantage before his church meeting, then near at hand, and accomplish by it what he had vainly attempted to accomplish by his correspondence with Mrs. Jewett. He had asserted that before the church should meet in October to take action on the case of Mr. and Mrs. Jordan, some awful disclosures would come out from "down east," which would annihilate me and my church. But as that effort proved abortive, I do not know what Dr. Adams would have done to prevent the church from granting the request of those applicants for a letter, had it not been for the news which had just reached him, coming from on shipboard, under circumstances, as he

stated to his church, "when men are often free and unreserved in their intercourse." One of the brethren, on hearing this statement in the presence of the church, remarked to me that he supposed Dr. Adams had reference to two sailors who had got together in the caboose, and were there whiling away their time in spinning out their long yarns over my late trial in Boston, the one telling the other what wonderful things he knew about the matter, and that I had escaped conviction by the jury, simply because he was not there to testify. But the resuscitation of that story, which had been dead and buried for two years, came quite opportunely to help him out of his embarrassment. The circumstances which revived this old story were these: In the summer of 1846, Dr. Hayward visited Europe, and on his return found himself a fellow-passenger in one of the British steamers with Rev. Dr. Patton of New York, the father of Rev. William W. Patton, who had succeeded me as pastor of the Phillips Church. This led to inquiries about me in relation to my trial before the civil court. In the course of this conversation, Dr. Hayward stated to Dr. Patton that he himself came very near being involved in that controversy; and then mentioned to him the circumstances of his attendance on me in 1833, as I have already detailed them. On his return to New York, Dr. Patton communicates to his son William, who had previously imbibed all the prejudices of Dr. Adams and Deacon Drake against me, and who had attended my trial in court, manifesting the deepest anxiety lest I should escape conviction, — Dr. Patton, I say, while his son was in this state of mind, communicates to him what had passed between himself and Dr. Hayward on shipboard. And William, highly pleased with this, to him, good news, forthwith writes

to Deacon Drake, giving him, professedly, a detailed account of what his father had just stated to him. This letter was dated Monday, October 12, 1846, and the meeting of Dr. Adams's church to act on Mr. Jordan's application was to be held on the Friday following. I presume no one will doubt but that he regarded the receipt of this letter just at that time, as a "special providence." Instead of going with it directly to Dr. Hayward, as it seems to me any man would have done who was in search after truth, and getting him to confirm it, he states to his church on Friday evening that he had just received a communication coming from a most respectable source, giving such an account of my moral character as would make them believe as he did, that I was the wickedest man that walks the streets of Boston; and though he was not permitted to tell them what it was, or from whom it came, yet it would doubtless soon be published, though not by any agency of his, and then they would have no more trouble by their members requesting to be recommended to my pastoral care. That statement of Dr. Adams produced the designed effect. Mr. and Mrs. Jordan's request was refused.

The contents of Mr. Patton's letter were so exhilarating to Deacon Drake that he could not be contented with simply showing it to Dr. Adams, but to many others, especially to some who had hitherto been my warm friends, and had sympathized with me in all my troubles. One day a friend of mine entered the bank of which Deacon Drake was cashier, and he handed the letter to him to read. He stepped into an adjoining room for that purpose, and before he had finished reading it, a gentleman called to see him on some business, which they were to meet there to settle at that

hour by previous appointment. Not having got through with the letter, my friend asked the deacon's permission to take it away with him, on his promise to return it soon. This was readily granted. He put it into his pocket among some other papers relating to business transactions, — which papers he soon had occasion to pass over into the hands of a gentleman to whom they belonged, forgetting that the deacon's letter was among them. This gentleman on reaching home and examining his papers, found among them Mr. Patton's letter. He being a member of Dr. Adams's church at that time, and having heard about the disclosures soon to come from on shipboard, perceived at once that he had in his hands the very communication to which Dr. Adams referred in the late church meeting. He immediately made up his mind that duty required him to copy it and put it into my hands; and at a late hour of the night the work was done. The next morning he called at the bank, and gave the original to the deacon, and passed directly over to my house and put the copy into my hands, and with it a five dollar bill. I will here quote a few sentences from that letter, and only a few, as I shall soon have occasion to recur to it again. Mr. Patton says to the deacon, "Will you please show this letter to Rev. Nehemiah Adams, as it will save me the trouble of writing to him." The gentleman who gave me the letter says that over the name of Mr. Adams there was pasted a piece of paper; but by holding it up to the light, he could distinctly read the name. What the motive of Dr. Adams could have been in causing his name to be thus concealed, I will not undertake to determine. But I think that every honorable reader will agree with me in saying that he *ought* to have concealed it from very shame in having his name

so conspicuous as one of such a trio, engaged in a work so ungracious and degrading as to make any man ashamed who made the least pretensions to decency or humanity. One more paragraph from Mr. Patton's letter to the deacon: "I thought these things would interest you, and might, *some way*, be put to use. We must not despair. God will yet bring out the truth about Mr. Fairchild, and his almost unparalleled guilt will be exposed."

---

## CHAPTER XV.

At the time of the receipt of this letter, the correspondence between Dr. Adams and myself was in press, and soon to be issued. As we had previously heard about this letter, my committee had inserted in the text of the correspondence a call for its publication. The call was expressed in these words:—

We hereby give assurance to Mr. Adams and Deacon Drake that no civil prosecution shall be commenced against them for publishing it, nor against its author. We desire its publication, that Dr. Hayward may have a suitable opportunity of telling the world the whole truth about the matter, that he may thus nail the story, as base coin, to the counter, and show up the men who have been engaged in the disgraceful business of giving it circulation.

On reading this challenge to publish Mr. Patton's letter, Dr. Adams and Deacon Drake felt that something must be done. And so Dr. Adams copies that part of the letter which, if true, would ruin me, and takes it to Dr. Hayward for his sanction. And here I will quote

what the doctor says about that matter in his deposition. In answer to a question proposed to him by my counsel he says, "Rev. Nehemiah Adams brought a letter to my study, and asked me whether it contained a true statement. I told him it did not. Either at that interview or at another which took place about the same time, I showed him copies of two letters which I had written to Mr. Fairchild, and told him that *they* contained the facts. He asked me for copies of them, which I declined giving. I took the letter which he showed me and looked it over, and as I did so, taking my pencil I erased and struck out in various places, remarking as I did so 'this is not correct,' 'nor this,' and so on, until I had made what alterations I deemed necessary. The letter as altered, I think is correct enough, so far as it goes. It does not contain the whole. I mean it is correct so far as it contains any facts in regard to Mr. Fairchild." This letter thus corrected, contained nothing implicating my moral character. And yet Dr. Adams and Deacon Drake afterwards used that letter repeatedly and publicly to blast my reputation without regard to the doctor's corrections, and at the same time referring to Dr. Hayward as the only competent witness in the case! But more of this by and by.

On the 19th day of November, 1846, Deacon Drake wrote a letter to Rev. Dr. Sheldon of Easton. The deacon was born somewhere in that region. He had relatives and friends attending on the ministry of Dr. Sheldon. The doctor was well and favorably known in all the neighboring towns. He was a member of the council that installed me over my present church, and made the introductory prayer. And moreover, he had exchanged pulpits with me. It was therefore vastly important to Deacon Drake that he should enlighten the

mind of Dr. Sheldon on the subject of my gross moral delinquencies, well knowing the unenviable position in which he must stand in that community, unless he could change the views of the doctor respecting me. And so he writes him a letter, just one year after my installation, a part of which I will here subjoin:—

BOSTON, November 19, 1846.

REV. L. SHELDON:—

Dear Sir,— The deep interest with which I have listened to your preaching, and the approbation which I have heard my beloved uncle Bethuel Drake express of you as a devoted pastor, induce me to hope and believe you would not knowingly inflict a lasting stigma upon the cause of Christ by sustaining in the ministry an impure and corrupt man. True it is impossible for me to conceive it possible that a regard for the glory of God would have induced you to assist in installing a man who had been expelled by the Association to which he belonged, and against whose installation the ministers in the vicinity who knew him best, protested; but what is impossible to me I am willing to believe is possible to you, until I have *positive* evidence to the contrary. A short time since I received a letter from Rev. William W. Patton, my late beloved pastor, now settled in Hartford, Conn.,— an extract from which I forward you, as it goes to establish a fact, which, although not new to me, may be so to you. The father mentioned, I would remark, is Rev. Dr. Patton of New York city. Some part of the extract has not reference to the fact, but goes to show that the information was altogether unsolicited on my part.

The deacon then goes on to insert the extract, which it is not necessary for me to copy. He closes his communication to Dr. Sheldon in these words:—

When I received the letter from Mr. Patton, I put it into the hands of a gentleman in this city whose word will not be questioned, and did not see it again until measures had been taken to ascertain both from Dr. Patton and Dr. Hayward that the facts justified all that was said in the letter. It has also been ascertained that Mr. Fairchild ascertained before he published his book, by corresponding with Dr. Hayward, that he said he cured him of that disease, and that he would not recall the as-

section. Keeping this fact in mind, if you will read what Mr. Fairchild has written in his book respecting his having the disorder, and can still believe him an *honest* man, it will be useless to adduce further evidence. I ask no one to believe my testimony, but am ready to produce proof when required. I have written you for two reasons. 1. To justify myself from the grave charge of slander which Mr. Fairchild has preferred against me. 2. That if you choose to sustain Mr. Fairchild, you may not do it ignorantly.

Yours, with much respect,

JEREMY DRAKE.

This letter, unsealed, was handed by Deacon Drake to one of the leading and most influential members of the church in Easton, with the request that he would read it, and then seal and forward it to Dr. Sheldon. He did so; and the result was that the doctor soon exchanged with me a second time, and sent me by mail the deacon's letter.

The gentleman here spoken of, "whose word will not be questioned by any man," was Dr. Adams, as the deacon admitted in court. I wish the reader to take particular notice here that the deacon's letter is dated the 19th of November, and that he says it had then been ascertained from Dr. Hayward by Dr. Adams that the facts therein stated, were true. And yet Dr. Hayward testifies that when Dr. Adams brought him that letter, he had erased and struck out certain parts of it, as I have just mentioned, — the only parts which, by being retained, could do me any harm. But here is the letter sent to Dr. Sheldon just as the deacon received it from Mr. Patton, without any regard to Dr. Hayward's corrections; nay, asserting that the doctor had seen and confirmed the whole! And yet the deacon says he sent the letter for two very commendable reasons, (if they were only true,) with which he closes his letter.

On the 15th day of February, 1847, there was issued

from the press of Messrs. Jordan & Wiley of this city, a pamphlet with the following title: "*The Medical Fact in Mr. Fairchild's case in answer to a call for it by the committee of his church.*" This pamphlet was signed "Jeremy Drake," who, of course, became responsible for its publication. The deacon says he published it in answer to a call for it by the committee of my church. Now the committee of my church had never made any such call, as the reader will see by turning back to the express words of the call. Their call was for Mr. Patton's letter, nothing more, nothing less. But this pamphlet contains only about one third part of that letter; and that one third part consists of the very extract from which Dr. Hayward "had erased and struck out" every thing which could, by possibility, implicate me in crime. And yet the deacon says that the fact which he announces in his pamphlet of my "once having labored under a disreputable disease, is distinctly given on the authority of one of the most distinguished clergymen in New York, who had it directly from the mouth of the only competent witness in the case," — that is, from Dr. Hayward. Yes, he repudiates the testimony of the man whom he styles, at the very moment of repudiation, "the only competent witness in the case," and refers his readers to him as such! But this is not all. He not only withholds the letter, and gives merely a garbled extract, but he suppresses the doctor's name. It is Dr. Blank that says so and so. He does not give even his initials. The letter was called for by my committee avowedly for the purpose of giving Dr. Hayward an opportunity of replying to it, and exposing its falsity. But Dr. Hayward was not Dr. Blank; and therefore he had nothing to say.

The appearance of this pamphlet gave me and my

people no little anxiety as to the course which duty required us to take. My first impression was that I must now call on Deacon Drake to answer for his slander before a civil tribunal. I felt as though my duty, as a minister, could demand of me forbearance and patience no longer. But I dreaded a suit at law as not commendable in a Christian minister, and to be avoided if possible, and not justifiable, but as the last resort for a redress of wrongs which can no longer be endured. I expressed this reluctance to wise and good men; and it was deemed by them most advisable, as the first step, to apply to Dr. Hayward for a written statement of the case, and publish to the world so much of it as might be judged necessary to counteract the pernicious effects of the deacon's pamphlet. And so I obtained his statement, and then called a meeting of the gentlemen of my parish, and read it to them, together with my correspondence with Dr. Hayward in September, 1844. After hearing all the documents, and discussing the subject at some length, it was finally voted to appoint a committee to reply, in pamphlet form, to the "*Medical Fact*," though one of the gentlemen present was so desirous of having the deacon prosecuted that he offered to give two hundred dollars for that purpose; and because I refused he soon withdrew from my ministry. A reply was speedily prepared and signed by fifty-six of my parishioners and published in the *Boston Times*. It is a long document occupying nearly two columns. I will quote only two or three short paragraphs.

The undersigned, attendants on Mr. Fairchild's ministry, held a meeting March 15, 1847, to consider what notice ought to be taken by us of a certain scurrilous pamphlet recently published by Jeremy Drake, entitled "*The Medical Facts in Mr. Fairchild's Case*." After a thorough examination of the matter, it is our deliberate opinion, without reference to any ulterior

measures, that it is, first of all, a solemn duty which we owe to our pastor and ourselves, as well as to the Christian community, to proclaim to the world, that the charge thus preferred by Deacon Drake against Mr. Fairchild, is *grossly libellous*. We have looked into the matter most critically, — heard all the correspondence alluded to by the deacon in his pamphlet, which has ever passed between Mr. Fairchild and his physician in relation to it, — examined into all the circumstances connected with it, and obtained his physician's statement of the whole case over his own signature; and we do not find a *particle* of evidence that "Mr. Fairchild once labored under a certain disreputable disease." We have ascertained that fourteen years ago this present month, Mr. Fairchild was suffering from a difficulty in the urinary organs, attended with severe inflammation, — that his physician treated him solely for that difficulty, and did not prescribe the remedies which are commonly employed in cases of "disreputable disease." We find that under this treatment, after the lapse of four or five weeks, the difficulty was removed and his health restored. We further learn that the symptoms of diseases like that under which Mr. Fairchild labored, are equivocal, — that is, the same symptoms often develop themselves whether the disease proceed from a pure or an impure cause, — that they are found in persons of the most virtuous habits, and not unfrequently in children under the age of ten. We learn from one of the most respectable physicians in Boston that he has, at this time, a child under his care not four years old, where the same symptoms are developed as in Mr. Fairchild's case.

\* \* \* \* \*

We have been striving to live and labor in peace with our pastor, attending to our own concerns, and not meddling with the affairs of other people. But when Mr. Patton's letter came as a firebrand among us, and such an unjustifiable use was made of it to injure us and our pastor, we felt constrained to notice it as a breach of the ninth commandment. Had Deacon Drake put that letter into the fire as soon as he received it, and said nothing, all this difficulty would have been avoided. He well knew that it was "the same old story newly vamped up;" but having said, years ago, that he would do all he could to get Mr. Fairchild out of the ministry, and having signally failed in all his preceding attempts, he doubtless thought that he should be able by means of that letter, to accomplish his purpose. We advise him henceforth to let Mr. Fairchild alone. Let him do this, and we will venture to predict that it will be better for

him, and all connected with him. We are heartily sick and tired of this controversy; and so are the public. We design to take no further notice of the deacon, so far as *publishing* is concerned. He has asserted in the face of the wide world that "Mr. Fairchild once labored under a certain disreputable disease." He has thus uttered a *gross libel*. Christian forbearance, and the wish that he may see his error, has led us to make this reply to his "Medical Fact." We truly pity the man, and sincerely hope that there will be no further occasion to notice him or his libel. If, however, he still persists in his attempts to injure Mr. Fairchild, he will be noticed in some other way. Our pastor has the rights of a citizen,—rights as important and precious to him as to any other man; and these rights he is determined to assert and maintain. This is his duty, not only as a man, but as a Christian; and in this, we pledge ourselves to sustain him.

I come now to disclose a transaction in relation to that pamphlet which I would gladly conceal from every eye, if I could do it consistently with the character of a truthful narrator of facts; especially would I do it for the credit of the ministry. Deacon Drake was not the author of that pamphlet. It claims a higher parentage. In order clearly to explain this matter, and to finish this disgusting story, I must anticipate a little, and state the astounding facts which came out in court on the trial of Dr. Adams in the summer of 1851. In 1847 the Rev. A. W. McClure, then of Malden, was editing a monthly publication in Boston called the *Observatory*, whose office was at No. 21 Cornhill. Connected with that office was a gentleman, an entire stranger to me, who saw and heard things which made him feel indignant at what he suspected was a plot to destroy me. Though he was not in the secret and knew nothing, except what occasionally struck his eye and ear as he was passing in and out of the office, yet he was convinced that something was being concocted there which foreboded no good to me. After I had commenced the

prosecution of Dr. Adams for libel and slander, I ascertained that this gentleman had probably some testimony which would be important to me in the approaching trial. Accordingly I sent him a note on the subject, to which he soon replied in a letter dated December 18, 1850, some extracts from which I will here insert.

If Mr. McClure be not too cunning for your lawyer, you will be able to prove your case by him. I *know* that he kept a pile of small tracts or pamphlets upon his desk, at No. 21 Cornhill, some two or three years ago, which seemed fresh from the press, and these tracts were for gratuitous distribution to clergymen and others. The tract, of which perhaps you have a copy, was concerning you, and referred to the matter of your being or having been afflicted with some disreputable disease. Mr. McClure, I recollect distinctly, showed the pamphlet to several gentlemen who came into the office at different times, and talked over the matter. He handed the pamphlet to them, for them to keep. I took one myself. I think I may go further, and say that Mr. McClure, and Dr. Adams, and Mr. Drake, (Jeremy, I think his name is,) were in frequent and active conclave together in this work, at Mr. McClure's office. I think, also, that Mr. McClure procured, or instigated the publication in the *Puritan*, (of which he was, at that time, one of the editors,) of an article or paragraph directing the reader to a document bearing reference to this matter, which document was said to be on file in court, or somewhere, I do not recollect precisely. The simple fact is, that Mr. McClure and Dr. Adams were for a long time in constant communication together, concocting, and devising, and executing this infernal and guilty plot.

The information contained in this letter led me to summon Mr. McClure into court as a witness. I will here give his testimony, copied literally from the notes taken at the time by Mr. Clifford, my senior counsel, who was then, as he is now, the attorney-general of the Commonwealth. Says Mr. McClure:—

I prepared for publication in February, 1847, the pamphlet entitled the "Medical Fact." In the course of its preparation I had frequent conversations with Dr. Adams. He made sugges-

tions, — examined the manuscript, — eliminated passages, etc. I accepted all Dr. Adams's suggestions except one, which was a proposed change of phraseology in the last paragraph. The question of bringing it before the public in some form or other had been discussed between Dr. Adams and myself before I was applied to to prepare the pamphlet. My mind was influenced in part to prepare it, by these conversations. The principal object of the pamphlet, as understood by Dr. Adams and myself, was to bring on a prosecution against the publisher by Mr. Fairchild, in which the testimony of Dr. Hayward would be taken, and all the facts come out. It was a distinct challenge to Mr. Fairchild to prosecute, and I was surprised it did not have that effect. In the preparation of the pamphlet Dr. Adams advised the cancelling of certain passages which had reference to the corroborative testimony of other witnesses — two physicians and a lawyer — as their testimony, he thought, would come with more effect in the expected prosecution. Dr. Adams and I did not expect that *we* should be prosecuted, but that Mr. Drake would be.

Here is a statement under oath, of all, and more than all, which the writer of the preceding letter assured me my lawyer would be able to get out of Mr. McClure, if he was not too cunning for him. I cannot describe my feelings as I listened to these developments from the lips of Mr. McClure. It seemed incredible that two clergymen professing and teaching a religion of love and goodwill to men, and with them a deacon of an Orthodox church, *could* have been engaged in such ——— I do not know what to call it. Here was a pamphlet prepared by these professedly Christian gentlemen and officers in a Christian church, for gratuitous distribution, to be spread broadcast over the land, and probably a copy thereof sent by mail or otherwise to every Orthodox clergyman in the Commonwealth, — a pamphlet so impure that few parents would consent that their sons and daughters should peruse it! Let it be remembered, too, that it contains the very paper which Dr. Adams had

carried to Dr. Hayward to ascertain if the statements therein made were correct, and which the doctor told him were not correct, and "with his pencil had erased and struck out in various places," — yes, this very paper thus corrected and deprived of all its venom, Dr. Adams causes to be inserted in that pamphlet, retaining the very words and expressions as true, which Dr. Hayward had declared were false, and at the same time assuring the reader that Dr. Blank, (meaning Dr. Hayward) had confirmed the whole! and doing all this, too, after he had solemnly assured his church that, though the matter would doubtless be made public, yet that *he* should not be instrumental in its publication! Surely it is not always extravagant to say that "men of low degree are vanity; and men of high degree are a lie." But I dare not trust myself to make any comments on such affecting exhibitions of human weakness and depravity! The reader will see this done, and *well* done, when he comes to Mr. Clifford's argument. I must, however, be excused here for expressing the wish, that if the preceding statement should happen to fall under the eye of that good clergyman who said to me that he thought, when he read Dr. Adams's Marblehead letter, he must have been inspired in writing it, — I wish he would just ask himself whether he thinks that Dr. Adams was inspired while preparing the *Medical Fact*; and if inspired, by what spirit?

I cannot well resist the temptation here to quote a few lines from Dr. Adams's letter to me, dated April 10, 1846. In speaking of the character of my public communications, he says, "It is very evident that the spirit of all grace has not breathed upon you in preparing your published writings. The savor of piety, of meekness, gentleness, and forgiveness is nowhere found in

them." I would here make my appeal to the reader and ask whether he thinks "the spirit of all grace was breathing" upon Dr. Adams when preparing that false and filthy pamphlet? I would further ask whether he can find in that publication "the savor of piety, of meekness, and gentleness?" In my judgment, if the spirit of all grace breathes into a man such thoughts and sentiments, it would be wise to pray most fervently for deliverance from such breathing. And so, if "the savor of piety and gentleness" be found there, I think the less any one has of *such* savor the better, both for this life and the life to come.

But I have not yet quite done with that *Medical Fact*. After it was printed, and before its distribution, it was sent to Dr. Hayward by Deacon Drake with a letter, — which letter was doubtless prepared by Dr. Adams; at least, he would criticize it, and give it the last finishing touch, as he had done with the pamphlet. I will here quote the closing part of the letter.

If the statements made by you should be hereafter denied by Mr. Fairchild's friends, it is not supposed that *you* will publicly confirm them; but assurance has been given that other gentlemen, who have a knowledge of the facts from yourself, will do so, if circumstances should render it necessary.

Very respectfully, &c.,

JEREMY DRAKE.

The object of this letter is seen at a glance. It was written to intimidate the doctor. It was telling him to be cautious how he contradicted what was stated in that pamphlet, lest certain gentlemen should be brought forward to put him down by testifying that they had heard him say what Dr. Adams there makes him say. But the doctor immediately gave me a written statement pronouncing the pamphlet

false, and soon afterwards showed that he was not afraid to do so under oath, as the reader will presently see.

---

## CHAPTER XVI.

I MUST now go back to the reply of my fifty-six parishioners to what we then supposed to be Deacon Drake's *Medical Fact*, but are now compelled to put the authorship on Dr. Adams himself. As he was not satisfied with that reply, nor with the statement which Dr. Hayward had given me in writing in spite of the monitory letter sent him by Deacon Drake, he therefore resolves to take another step to compel Dr. Hayward to say what he is so anxious to have him say, but what the doctor could not say, without uttering the most palpable falsehood. Hence on the 6th day of April, 1847, I received a notice signed by Thomas S. Harlow and R. N. Peirce, two justices of the peace, that Dr. Hayward had been summoned to appear before them at the request of Jeremy Drake, to give his deposition about a matter in which I was interested. The case was deferred till the 14th of April. I understood that the doctor at first declined testifying, on the ground that if a physician were liable to be summoned into court and there compelled to disclose all he knows about the diseases of his patients, (especially to gratify the pique of a bitter enemy,) it would be not only a breach of confidence, but tend very much to diminish his practice. Ascertaining this fact I wrote a note to his lawyer urging

him to advise Dr. Hayward to testify *for my sake*, assuring him that the doctor's deposition was what I anxiously desired, as it would satisfy every honest man in the community, who should read it unprejudiced, that he had never found me laboring under any "disreputable disease." I told him if the doctor should refuse to testify, my enemies would say that his refusal was sufficient evidence of my guilt. The result was, that he did testify. And while Mr. Brigham, the lawyer whom Deacon Drake employed, was taking the deposition, and proposing questions to Dr. Hayward, he was noticed to have before him a memorandum in the handwriting of Dr. Adams, doubtless to aid him in examining the witness by suggesting certain inquiries which must, by no means, be forgotten; and shortly after the deposition was taken, Dr. Adams was seen in Mr. Brigham's office, there reading a document supposed from its appearance to have been the deposition. He doubtless hoped to find something in the doctor's statements, *when under oath*, which would confirm the story of his *Medical Fact*. But alas! he found nothing! He there learned that the doctor had given oath to the truth of the written statement which he put into my hands, as is stated in the Reply of my fifty-six parishioners. I think that Dr. Adams, on his return from Mr. Brigham's office, must have felt almost as much chagrined as when opening and reading the letter recently addressed to him by the Hon. Henry A. Wise, of Virginia.

A copy of the deposition was soon put into my hands. And when I had finished reading it, I gave thanks to God for "taking the wise in their own craftiness," as they had now saved me from falling into the very pit which they themselves had been so long digging, night and day, for my destruction. Into that pit

they fondly anticipated that the doctor's deposition would plunge me, there to lie concealed, making no more noise,—no, not even peeping.

But Dr. Adams, it would seem, was still determined not to rest. He must, after all, make something out of Dr. Hayward's deposition. And therefore he, or his faithful coadjutor, Mr. McClure, sends a communication to the *Puritan*, now lying before me, dated June 10, 1847, from which I take the following extract:—

Events which have recently occurred, have caused to be placed on the public records in the Registry of Deeds for Suffolk, a deposition taken by two magistrates, from a physician in this city, in a legal form, respecting his professional treatment of Mr. Fairchild. As many have a wish to know the truth about the matter, which has created much remark in this vicinity, it is proper to give public information of the fact, that the materials of a correct judgment now exist in an authentic shape, and are open to public inspection.

The reader will need no one to tell him the object of this notice. If they really wanted the public to see it, why did they not publish it? They well knew, too, that not one in a thousand who should read that notice in the *Puritan*, would ever think of going to the Registry of Deeds to examine the document, and that the bare announcement of *such* a fact in *such* a paper, would be the best and wisest plan to propagate the slander. I never heard of but one gentleman who ever went to the Registry of Deeds to read the deposition; and he remarked to me that if he had doubted my innocence *before*, he should have had no doubt *after* reading it. He expressed a wish that I would publish it to the world. I told him the time had not then come. But in December, 1849, circumstances, in the judgment of judicious counsellors, required its publication. And multitudes, on reading it, thought me strangely indiffer-

ent to my reputation, to allow such an effectual weapon of defence to lie so long in my draw unused.

After the taking of said deposition and inserting the note in the *Puritan*, directing public attention to it, things seemed to have settled down into a state of quietness and ease. I therefore concluded that the time had now come when duty required me to request of the Association a certified copy of the vote, whatever it might be, by which I was declared expelled from that body January 7, 1845, as the *Daily Mail* notified the public four days afterwards. The *Mail* simply announced the fact. I now wanted an official notice both of the *fact* and the *form* of expulsion. I had been waiting many months, hoping Dr. Adams had seen his error, and would now so far retrace his steps as to advocate a rescission of that vote, and thus end the strife. And so I waited till April, 1849. I then called on Rev. Mr. Thompson, of Roxbury, supposing him to have been the scribe of the Association at that time, and requested him to be kind enough to aid me in obtaining my just rights. He received me very courteously, and assured me that if I had been deprived of my just rights, and if he could aid in regaining them, he would do it with pleasure. I then told him that common fame had said that there was a vote on their book of records affecting my interest, no copy of which had ever been received by me. He expressed his surprise at this neglect, assuring me that it was my right to have a copy, and then added: "If I were scribe I would give you one without hesitation; but at our last meeting, Rev. Mr. Alvord, the pastor of Phillips Church, and your neighbor, was appointed scribe; you must therefore go to him." I went to him with my request; but he utterly refused to give me a copy, or to let me

see the book, without the permission of the Association. I argued the case with him awhile, as to my rights in the matter; but to no purpose. I therefore was obliged to defer further action in the matter till the meeting of the Association, on the first Tuesday in May. I then sent a written request addressed to the moderator, stating what common rumor had said about a vote on their records respecting me, and desired a copy. My request was granted; and Mr. Alvord, the scribe, soon forwarded me a copy, which has already been inserted in a preceding chapter. When I read it, I was utterly amazed that Christian men,—the teachers of truth and righteousness, should ever have put upon record a preamble and vote so infamous and false. I then resolved at once never to rest till that foul record was expunged, and their book made to tell the truth. I immediately prepared and sent to every member of the Association a printed circular, that they might all have suitable notice of what would come before them at their next meeting in July. I here subjoin a true copy, which will speak for itself.

Boston, May, 1849.

TO THE MEMBERS OF THE SUFFOLK SOUTH ASSOCIATION:—

Brethren,—I thank you for the immediate and unanimous compliance with my application, made at your last meeting, for a copy of the preamble and vote separating me from your Association. If I had known, or even *suspected* the precise nature of that preamble and vote, I should not have rested till this time without requesting a copy. I need not say that the perusal of the copy of a record, so utterly false and libellous, has filled me with grief and horror.

The atrocious crimes alleged against me I denied from the beginning. I denied them in the most solemn of all circumstances, when I supposed myself to be dying; I deny them now, and always shall while I live; and is it christianly to charge a man with falsehood, after the truth of his declarations

has been substantiated by the unanimous verdict of an honest jury?

The council at Exeter, so far from having proved me guilty of seduction and adultery, did not say that I had been guilty of any crime whatever. Their words are:—"The Council feel compelled to express their deep conviction that Mr. Fairchild cannot be innocent in this matter; and that, unless he can present a clearer vindication of himself, before some tribunal more competent than ourselves to compel the attendance of witnesses, and the utterance of all the truth, AND TILL SUCH ACT BE DONE, he ought not, and so far as our decision goes, does not, longer hold the place of a minister in the church of Christ."

Does the council here say that they had proved me guilty of seduction, and adultery, and falsehood? They do not even say that they *believed* me guilty. "Deep conviction is less than belief." Their action was not, strictly speaking, a *deposition* from office, but simply a *suspension* till I should do a certain act recommended by them; which act I did, and by so doing was restored to my office, from which they had *temporarily* suspended me; and I began to preach immediately after, and have been preaching ever since, without hearing a word from that council that I had put a false construction on their result. Besides, if they had *proved* me guilty of those shocking crimes, as your records say they had, is it possible that they would have recommended a man, so steeped in vice, to go to a civil tribunal that he might again "hold the place of a minister in the church of Christ?" To say that they had proved me guilty, but refused so to express it, *through lenity*, is an impeachment of their integrity. Does not the vote on your records do violence to every law of interpretation?

I have been credibly informed, that when the vote was proposed in the Association, separating me from that body, it was said by those who urged its passage, that if I ever came into court for trial, and was acquitted, it could easily be rescinded. I did come, was tried, and honorably acquitted. But that vote still remains on your records. If this be right, judge ye.

Two or three weeks before that vote was entered on your records, I had published to the world that I should come to Boston for trial, as soon as my counsel could make the necessary preparation. Was it kind to pass the vote in such haste as not to give me time to satisfy you whether I would come or not? Was not the passing of the vote, at that time, going *before* the law to my injury? And is not the retaining of it on your records, going *behind* the law to my injury? \*

---

\* See Appendix.

When you vote on my request, I would thank you to take the question by yeas and nays.

As this whole affair is too painful to be regarded with indifference either by you or me, will you not give the subject of this letter your earliest possible attention?

Yours, in Christian courtesy,

J. H. FAIRCHILD.

July 3d, 1849.

P. S.—When my case comes up for action, if any objections are urged against granting my request, or if it should be proposed to act in any way whatever *against* me, I trust you will notify me, and say as Agrippa once said to Paul, “Thou art permitted to speak for thyself.” I have never yet had a hearing before the Association. As the sentence of condemnation on your records was passed upon me unheard, I hope you will not consent to listen to any arguments against reversing that sentence, or in favor of any action which may be injurious to me, without allowing me to be present.

Permit me here to express my earnest desire that you will act on my case to-day. But if you have not time to do so, then you will oblige me very much by holding a special session at as early a day as possible, say Thursday of this week. Do not, I entreat you, defer action till your next regular meeting in September. Life is uncertain, and the thought of leaving the world with such a libel on your records to be handed down to future generations, is as painful to me as it could be to any one of you in a reverse of circumstances. All I ask is, that you will do as you would be done by.

Yours, etc.,

J. H. F.

The Association met at West Newton, July 3d, 1849. My circular was read, and a special meeting appointed to act on it, to be holden in Boston at No. 28 Cornhill, on the 10th of July. At the hour of meeting, I sent in a note requesting permission to be present to hear and answer for myself. Rev. Messrs. Louis Dwight and Joseph Haven, then of Brookline, but now Professor in Amherst College, soon called on me as a committee from the Association, and presented me with a vote just passed, to this effect, (I quote from memory,

as the vote is not before me.) "If Mr. Fairchild wishes to have an interview with the Association, he may come in for that purpose." Owing to the singular phraseology of the vote, I at first declined going in; but thinking that I might possibly mistake its meaning, I concluded to accompany the committee to the meeting. I found Dr. Burgess in the chair. I first asked for an explanation of their vote. I remarked that the word "interview" seemed to imply more than one to converse; and yet it might be expected by them that I should do the talking, while they were mere listeners. I appealed to the moderator to decide this question. He replied that he presumed the object of those who passed the vote was *to hear*, and not *to be heard*. He then put the question to the Association, whether he had given the right construction. They nodded assent. I told them that I felt embarrassed. My request and the reasons why it should be granted, were plainly stated in my circular then before them. I knew not that I could add any thing to it. But I expressed my earnest desire to hear their objections, if they had any, that I might reply. But they were as silent as the house of death. I then remonstrated against their accusing and judging and punishing me behind my back, without letting me know why they had put that vote upon their records, and their reasons for retaining it. I told them that their course was contrary to all law, — English law, and American law, and Gospel law; "Yes," says the Moderator, "and Roman law, too." But they heeded not my remonstrance. I thought then, and I think so still, that such rank injustice, — such gross inhumanity, is without precedent in the civil or ecclesiastical history of New England. As I was not permitted to remain that I might hear and answer for

myself, I withdrew from the meeting, having previously assured them that I did not wish to be restored to membership with them, but simply to have their records set right; and lest they should object on the ground that by rescinding their vote I should come back into their body, I told them that I would immediately take a letter to the Woburn Association, assuring them that it could not possibly be more offensive to them than it would be to me, to be connected with that Association. As I was leaving the room I requested Dr. Beecher to read to the Association a letter, which he had recently received from his friend, Rev. George Allen of Worcester, a copy of which had just been put into my hands, and that they might regard that letter as my argument in addition to what I had said in my circular. And I was told that he did read it. I here give the letter:—

WORCESTER, June 26, 1849.

DEAR BROTHER BEECHER:—

"Fair play is a jewel," was the saying of the boys when I was one of them; and the spirit of the saying is as good for men as boys, and quite as good for ministers as for the people. My attention has very unexpectedly been called within a few days to the case, or rather certain aspects of the case, of the Rev. Mr. Fairchild of South Boston; and I have concluded to state to you my views of the matter in my own free way, not doubting of your willingness to let me have my own way thus far.

I was greatly pained on learning, last evening, *the terms and tenor of the preamble and vote* by which Mr. Fairchild was excluded from the Suffolk South Association, together with the fact that such a preamble and vote *are still allowed to remain on record*, to extend and perpetuate their operation, although their professed reasons and claimed foundations have been wholly taken away, if they can truly be said to have ever been *more than professed and claimed*. It seems to me, Brother Beecher, that even on the supposition that the act of the Association was *originally* defensible as to both manner and sub-

stance, (respecting which, however, there is a difference of opinion,) the yet allowed *perpetuity* of the act cannot be justified by any law, — certainly not by the law of Christ. Indeed, I think that the common sense of right and wrong, or, in other words, universal conscience, would have claimed that the effect of the vote on Mr. Fairchild's exclusion from the Association should cease on his acquittal by the jury. If after his acquittal *prudential* reasons might have justified a further disconnection of Mr. Fairchild from the Association, that would have been a matter by itself, — a new question of mere expediency, and wholly independent of proven guilt, assumed and set forth in the preamble of the vote now on record. The effect of the *record* should not have outlived the effect of the *result of council*, on which it was professedly and carefully based. So soon as that result was superseded and became nugatory by the verdict of the jury, (an effect deliberately and righteously provided for by the council,) so soon should the dependent disability of Mr. Fairchild, as a member of the Association, have passed into a like nonentity with that of his disability as a minister of the gospel.

If I understand the leading facts in the case, Mr. Fairchild's claim that the record of January 7, 1845, be rescinded, is a just claim, which ought to be at once allowed, and in such manner as best becomes a magnanimous ministry.

If I mistake not, three considerations involve the merits of the issue between Mr. Fairchild and the Association, namely:—

1. *The tenor of the result of council at Exeter.*
2. *The verdict of the jury and its effect on that result.*
3. *The vote of Association as interpreted by the light of its reasons.*

1. *The tenor of the result of council.* The import of that result is plain, and cannot be tortured into ambiguity. It clearly and with studied precision prohibits Mr. Fairchild from holding the place of a minister in the church of Christ *till the occurrence of a specified contingency*. It does not contemplate an absolute, unconditional prohibition in *perpetuity*, but expressly stipulates conditions, the compliance with which is to terminate the prohibition, and, of course, restore to him suspended functions. *This suspension till a contingent event*, is not only clear by its own apt terms in the result, but harmonizes *with*, and is corroborated *by* other parts of the result. For instance. The council refrain from an absolute, unqualified declaration of the guilt of Mr. Fairchild in any one of the charges they were

called to investigate; and indeed they convict him of no specific offence whatever. To be sure, they "express their deep conviction that Mr. Fairchild cannot be *innocent* in this matter;" but what guilt or what measure of guilt may be his, they prudently assume not to say or intimate, but leave wholly and with evident design in the dark, not allowing any to say on their authority, that he is guilty of this or that particular offence; for, not to be *innocent* in some or other way in respect to the general matter complained of, is quite another thing from being guilty of a particular offence charged; and the result seems to have been framed in its peculiar manner on purpose to avoid saying or authorizing any to say, that any specific offence had been proved against the accused. This interpretation is also the only one consonant with the subsequent and contiguous language of the result; for the council immediately proceed to indicate the imperfect means and the unsatisfactory extent of their investigation, by suggesting at least the possibility of Mr. Fairchild's "clearer vindication of himself before a tribunal more competent than ourselves to compel the attendance of witnesses, and the utterance of all the truth." They even intimate their desire and the propriety, if not their expectation also, of a more reliable and satisfactory review of the case before such a tribunal, by limiting the effect of their deposition of Mr. Fairchild to such time as he shall successfully use such an opportunity. That such a limit to its operation was assigned beyond which his ministerial disabilities should cease, I think no one can doubt who is willing to know the obvious meaning of simple and perspicuous language.

2. *What then was the verdict of the jury, and what its effect on the result of council?* Mr. Fairchild, in accordance with a notice published by him some weeks before the meeting of the Suffolk South Association, January 7, 1845, and of course known to that body before the adoption of their preamble and vote, surrendered himself for trial in the place of the alleged offence, before just such a tribunal as the result of council contemplated, and by it was fully acquitted of the crime or crimes for which he was indicted, being the same substantially as were charged on him before the council. This acquittal by a jury of his country must have expressed the "vindication" contemplated by the result, and being such, of course carried with it the full effect provided for by that result, namely, the restoration of Mr. Fairchild to his ministerial office. This effect was virtually concurrent with the verdict; for as the prohibition of office was by the *publication* of the result in council, so the restoration to

office by authority of that result, was by the publication of the verdict *in court*. If the Christian community may be presumed to know the public acts of councils, and that knowledge gives effect to their results, they may be presumed to know as well the public acts of courts; and therefore whatever ecclesiastical effect is left to depend on the act of a judicial tribunal, must be coincident with the knowledge of that act, unless *special* provision is made by the result of council for some other time or way, of which there is no intimation in the present case. Indeed the council, instead of intimating a necessity for subsequent ecclesiastical action in order to reinstate Mr. Fairchild in the ministry, did, by the terms of their result, preclude such necessity, making his restoration depend solely on his acquittal, or virtual "vindication" before a competent tribunal.

3. *What then is the vote of the Association as interpreted by the light of its reasons?* If the reason of an act is unjust, the act itself cannot be justified. The foundation failing, the building falls. Now what is given as the *vital* reason for expelling Mr. Fairchild from the Association had in it no life at all. The preamble asserts that the council at Exeter had proved Mr. Fairchild guilty of seduction, adultery, and falsehood. For this assertion the Association could have had no other authority than the result of that council. But that result is vacant of all such authority, if the report of it now before me, and received by me just after the result was declared, is correct, of which I have no doubt. The result not only makes no such declaration, but warily shuns the appearance of it, and seeks to keep the suspicious from receiving such an impression. The professed reason then of the vote of the Association was a *fiction, and wholly untrue*. It was therefore unjust to Mr. Fairchild at the beginning, and while allowed to remain on the record, is a perpetuation of injustice by those who allow it.

Mr. Fairchild's recent circular to the members of the Association calls their record "*libellous*." That it was and still is a libel, I have no doubt; and if such is its character, then should the Association erase it, and hasten to undo, so far as they may, so plain a wrong. That it was for a time a *responsible* libel seems to me equally clear. Whether it has ceased to be so is not so obvious, though any new exhibition of the record, if not the mere retaining of it with its presumed and wonted liability to exposure, seems to have the nature and tendency of a libel, as it leaves character unprotected from voluntary and mischievous aspersion, the very evil which the law of libel aims to avert. But I am no lawyer, and consult none. Nor, in such a case, will

I suppose there is need of nice distinctions and constructions, or any disposition to plead the statute of limitations in such matters, there was and is a manifest moral wrong in allowing such a record in such a case. And it is because of this wrong, that I have taken the liberty to address you in the freest manner on the subject, and now ask your influence, which I am persuaded is not small with your brethren of the Association, that they may not delay to do cheerfully a simple act of justice, by erasing the preamble and vote in question, and allowing the erasure of the record to have its proper, immediate, and full effect in giving to Mr. Fairchild the standing in the Association which its *untruthfulness* was used to deprive him of. It seems to me that any thing less would, in the circumstances at this time of day, savor not a little of ministerial prudery, and uncommendable adherence to consistency in wrong, under the pretence of purifying the vessels of the Lord.

Even if, in some of its language, the council at Exeter had *given*, instead of having *refused* countenance to the preamble of the Association, still the cautious qualification of their result, and especially their deference to the verdict of a legal tribunal, and the consequent ministerial relief of Mr. Fairchild provided for in their result, ought to operate for the erasure of a record claiming to rest on the import of that result; for if it rests at all on that instrument, it rests upon it as a *whole* and not a selected part, qualified and modified by some other part, and so having its full and proper meaning not in itself alone, but in its connection.

In whatever light I look at the record, it strikes me as a grievous hardship in addition to the other endurances of Mr. Fairchild; and the more attentively I consider it, the stronger is my conviction that a prompt and magnanimous retraction of the wrong, will be deemed a privilege by every one who loves the right, and does not wish to "judge and set at naught his brother." Not only the error of originating such a record in such circumstances, when public assurance had been given by the accused of a voluntary surrender for trial in a reasonable time, even at the very door of the Association, and in the very place where suspicion had been busiest to forestall his doom, — I say not only the original error calls out loudly for sheer justice, but the provision of the result of council and its effect in restoring to Mr. Fairchild his office, present to the Association an opportunity of restoring to him a common ministerial privilege, and thus honoring at once the justice and the humanity of the religion they profess to teach. Not to erase the record and

allow the full effect of such erasure, would be to exercise a tyranny foreign to the genius of Congregationalism, repugnant to the spirit of the gospel, and adverse to all true liberty. That record, untrue in itself, is the only formal and official condemnation of Mr. Fairchild for the crimes alleged against him. No other record denies him any wonted ministerial standing. No verdict of a jury touches his character. No result of council affects his office. No council or court would have dared on any evidence to condemn him without a citation to appear before it, and confront his accusers. But the record of the Association condemns and inflicts punishment without the semblance of a trial by themselves and against the verdict of a jury, preindorsed by a result of council. Such tyranny would be a reproach anywhere; but more than anywhere else on the spot best known on all the face of the earth for its early, strenuous, and successful defence of civil and religious liberty.

I cannot reasonably be suspected of any special predilection or bias in favor of Mr. Fairchild as an incentive to this unintentionally long epistle; for though he was a college class mate, our sympathies never drew us much together, and probably in all my life I have never been in his company as many hours as I was years with him in college. I have endeavored to look at his present case, as exhibited by credible evidence; and in my sincere conviction of the unintended, but real injury done him by the Association, I have ventured to express frankly my thoughts to you as a member of that respected body, and especially as one in whom I have had the pleasure to see an ardent love of justice tempered with equal resolution and good-will.

With affectionate regard, your brother in the gospel ministry,  
GEORGE ALLEN.

But this letter, so forcible and convincing in argument, and so just and conclusive in reasoning, had no more effect upon the mind of Dr. Adams and his coadjutors than had my circular. They seemed to have but one object in view, and that was to retain that gross libel on their records, and thus render my name and memory infamous through all coming time.

## CHAPTER XVII.

IMMEDIATELY after I left, the conflict began between justice and injustice, — truth and falsehood. As I was not present to hear, I cannot be expected to state *all* that was said and done, or the order in which the different speakers addressed the meeting; but I shall be able to give a correct account of the principal matters then and there transacted. Ten days having passed since Mr. Allen's letter was received by Dr. Beecher, he must have had sufficient time to examine the subject and prepare an answer. I was told that he did attempt to answer it. But he has been sufficiently shrewd not to let his answer meet the eye of Mr. Allen, through the public press or otherwise.

My friend and college class mate, the late Rev. Louis Dwight, advocated the rescinding of that preamble and vote, in a speech of much power and eloquence. And I should have supposed that his address would have had some effect on the mind of Dr. Adams and his adherents. Mr. Dwight had known me intimately all my college life. He, and Dr. Barstow of Keene, and myself, were the only professors of religion in our class, if I remember correctly, till senior year. It therefore devolved on us three, for years, to take the lead in our weekly prayer-meetings, which were attended by many of our class mates. This brought Mr. Dwight and myself into frequent and close connection; and he had kept his eye on my ministerial life all along down to that time. And I understood that he stated to the Association, that no suspicion of impurity was ever whispered against me, to his knowledge, till the

attempt was made so to impeach me in South Boston.

Dr. Burgess had received a letter from the late Rev. Dr. Cogswell, dated Gilmanton, N. H., June 19, 1849, who was a member of the Association, excusing himself for not being able to attend the meeting,—an extract from which was read to the Association, and is as follows:—

Brother Fairchild's case, I have always viewed much as you have. And I think that the treatment he has received from some of his brethren was unnecessary, unjustifiable, and cruel. The action in relation to him of the Suffolk South Association, if I understand it aright, was altogether premature, even on the ground that he is guilty; and highly reprehensible on the ground that he is innocent. This I think is the more general impression out of Boston. According to the result of the council at Exeter, upon his acquittal by the civil tribunal, I consider that he was in regular ministerial standing. I consider also that his settlement at South Boston was regular and valid, both in a civil and ecclesiastical sense. Consequently, according to all just propriety and just proceedings, the vote of the Association respecting him alluded to, ought to have been rescinded immediately. Not to do so is rebellion against government, and a disregard of all laws and usages, both civil and ecclesiastical.

The remarks of Dr. Burgess in favor of rescinding the preamble and vote of January 7, 1845, were committed to paper, of which the following is a copy:—

There are four reasons why I prefer to note down my remarks on paper, namely, *brevity, accuracy of statement, convenience of reference, and calmness of mind.* And there are *two* reasons why I plead to be heard, namely, that I do not often consume the time of the Association, and that I have had advantages to make a fair and intelligent estimate of the evidence in this case, — having sat in the council at Exeter, and attended in the court house in Boston during the whole time that the evidence was given in; and it is only by a comparison of the two that one can see the true worth of the testimony.

I utterly disclaim partiality, hypocrisy, or connivance at sin. Nor do I stand where I am at my own election. Without my choice I was sent to Exeter; and only from a sense of duty did I follow up the development of the matter till the bubble burst. And now, while I retain my reason and a good conscience, I cannot take any other position than where I stand. My understanding and conscience bind me in anticipation of my final account.

What I say is to define my own position, and not to convince others. Right or wrong, the day I suppose is past for the change of opinion in the members of this Association, and we have only to cultivate mutual kindness,—be willing to differ, and show a proper respect for each other's judgment.

Now to the case. And one thing at a time. Let other matters be examined at the proper time and place.

I have known Mr. Fairchild more than thirty years, a laborious and successful pastor,—blessed with repeated revivals,—a zealous and popular preacher,—particularly acceptable in protracted meetings and on public occasions,—a skilful defender of the faith,—a confidential friend of eminently sagacious and good men; and never have I detected in him indications of unchastity or falsehood.

When this flagrant report came abroad, I was on a journey in the Western States. I supposed that my brother, after a useful and honorable course, had fallen, to his shame and earthly ruin; and I repeated to myself, "Let him that thinketh he standeth, take heed lest he fall."

The payment of money was the first suspicious circumstance. If it had been a merchant or a civilian, I had thought less of it. The begging letter to Rhoda would be easily explained after the payment of money, and did not much trouble me. Her story was plausible and not improbable, except the scene in the drama involving her seduction, and the final interview to which she would have us trace the paternity of the child,—both of which always appeared to me to be badly fabricated and greatly wanting in probability. The confirmation by the father and sister was less than nothing.

We had, then, her charges on the one side, and his solemn denial on the other. What might be the motives and temptations to each,—which was entitled to credence, we must estimate and look well, says a judge, to the sources of evidence. It is easy to see that she might be afraid to go home to give birth to a child without money. It is easy to see that she might feel unable to extort money from any one, unless from Mr. Fairchild or Mr. Shailer.

It will be recollected, that according to the testimony at Exeter, she accused Mr. Fairchild under the importunate and alarming urgency of Mr. Shailer, her former pastor, and with the promise (as will afterwards appear) of double pay from the deacons at South Boston. It will be remembered, too, that if her testimony is true, it proves that Mr. Fairchild is not simply the seducer of his chaste maid-servant, but the gross perverter of God's word, — the impious trifler in sacred things, intermingling prayers and pollutions on the family altar daily, — the astounding liar in the apprehended moment of death, — the murderer of his confiding wife, — the adulterer with the female members of his church, — the fiend of hell in human shape. Her words to the moderator of the council, that "she always had her own way with Mr. Fairchild," did not favor the idea of involuntary seduction.

At the close of the council at Exeter, we could do no less than suspend Mr. Fairchild from the official work of the ministry, and refer the ultimate decision of the case to a future session of the council, — to another council, or to a civil tribunal which could compel the attendance of witnesses. It was a gloomy suspense to all parties.

But evidence soon began to be developed at Abington, Taunton, and Maine. Mr. Fairchild gave public notice that he should appeal to a civil tribunal. I learned by a layman in the country that Deacon Drake was much disturbed by this notice. I learned that the truthful Irish woman who succeeded Rhoda in Mr. Fairchild's family, was visited by three men who offered two hundred dollars if she would sign her name to the paper saying that Rhoda came there and went up into Mr. Fairchild's library, and was locked in with him alone. I learned that the hotel-keeper at Taunton would testify that Rhoda said to him that she was to receive twice as much money for swearing against Mr. Fairchild. I learned that Mr. Davidson, the father of Rhoda, had said to one that no minister had any thing to do with the matter; to another that Mr. Fairchild never made any confession to him; to another, (a brother-in-law,) that Mr. Fairchild protested that he never had any improper connection with his daughter, but that he paid her money to prevent the threatened scandal. I learned that Rhoda's confidential friend would make disclosures of the most flagrant character in respect to her career in Boston.

The day of trial came. I was in the court room at an early hour. The case did not open with any assurance on the part of the prosecution. The principal witness appeared. And

here is the whole point of the matter as to her testimony. What infatuation, if there was any worth in any part of her testimony! How totally different from her testimony before the council at Exeter! There is now no attic scene,—no shutting of a window,—no rain,—no bolt on the door,—no lying down on the bed,—no solicitations,—no resistance,—no horrible Scripture pleadings from Solomon or Lot,—no convulsive weeping,—no soothing comforts afterwards,—no sarcastic laughing the next morning. There is no seduction pretended; or she does not know *when*, or *where*, or by *whom*. No. *This most astounding scene in the whole drama, as exhibited before the council is, in court, left out,—is blotted out,—is repudiated,—is admitted to be a fiction!!*

She begins her story about two weeks later. She lays the scene, not in the attic, as she did at Exeter, but in the nursery on the lower floor. She makes no intimation of seduction, resistance, Scripture pleadings, etc. (Here the prosecuting attorney folds up his arms and whispers "that overturns my dish." And some young man at my side, said, "well done Rhoda! now see if you can stick to that!") The whole plot is changed. Her statement at Exeter was under oath. That was doubtless true, if any thing was true. But she denies the main item in it under oath! No confirming evidence was introduced on the part of the prosecution. I hesitate not to say that the father's and sister's testimony was less than nothing,—that they had better have been kept away. Mr. Thomas W. Phillips said, "that clinches the evidence in his favor." Bradford Sumner, Esq., who has examined the whole matter, said, "I have not the shadow of a doubt on my mind as to his innocence."

And now as to our vote and record.

1. It asserts his deposition by the council, which was never true, or pretended. It was suspension only.
2. It declares him to be proved guilty of seduction and adultery, which the council do not declare.
3. It charges him with falsehood in the denial, which surely remains to be seen.

The vote must be rescinded, or we must prepare to defend it at the tribunal of public sentiment, and, if necessity require it, in the civil court. Where we should look for a particle of evidence, I do not know.

## CHAPTER XVIII.

IF Mr. Allen's letter had failed to convince Dr. Adams of his error, it would seem that the remarks of Dr. Burgess *must* open his eyes to see his true position, as he had been placed in circumstances the most favorable for forming a correct judgment in the matter, having heard all the testimony before the council and in court. But Dr. Adams gives up not a particle of his opposition. Nothing daunted by this letter and these remarks, he begins his plea in favor of retaining on their records that unblest preamble and vote, which he knew to be false, as well as he knew that midnight is not noon.

One would have supposed that Dr. Adams, after leaving Mr. Brigham's office, would never again attempt to fix on me an infamous disease. But no; on this subject he seems to have become a perfect monomaniac. He is therefore ready to make one more effort to get a falsehood out of that document, that thereby he may render me odious to the Association, and prevent them from doing a simple act of justice to *themselves* as well as to me, by expunging a grossly wicked libel from their records. That document had not then been published; and I presume there were only three copies of it in existence, — one on record in the Registry of Deeds office, one with Deacon Drake, and the other in my possession. A copy of the document was lying on the table before him, and he proceeds to read certain extracts and to comment thereon, confidently affirming

that there is proof of my guilt in that paper, beyond all reasonable doubt. As a corroborative circumstance, he states to the Association that Dr. Hayward refused to attend Mrs. Fairchild as her physician on account of my vicious habits,—a statement not only shamefully false, but contemptibly mean. What possible motive could have led him to such an ungentlemanly act, except the wish to blast *her* character as well as my own in view of the Association? Her firm adherence to me in all my troubles, as well as her unwavering faith in my innocence, was well known to the gentlemen present; and by thus slurring her, he doubtless expected to bring her down to the same state of degradation in which he was endeavoring to place me. But on this topic I cannot dwell. I feel deeply mortified in being thus *forced* to speak at all about the private affairs of my family.

Dr. Adams further stated to the Association, that a lawyer of much distinction in this city, whose word would have much weight with the Association, if he was at liberty to announce it, on hearing some further statements about the case, had lately said, "If he is such a man, I will have nothing more to do with his case,"—thus giving the Association to understand that the eminent lawyer was convinced that I *was* such a man; and those very statements which made this lawyer thus express himself, were statements made to him coming second hand *from Dr. Adams's own lips!* On hearing these statements, the eminent lawyer said, "If he is such a man," etc. And *if I were* such a man, what lawyer of distinction *would* have any thing to do with me? Dr. Adams must not think, at this late day, with all the light now shining on the subject, that his statements about me, however solemnly made, can have

much weight with any man who has a mind and a conscience of his own, unless it be among some of the members of the Suffolk South Association. They seem to have a wonderful facility in believing that gentleman's statements, however inconsistent they may be.

I have already spoken of the Rev. Louis Dwight as present at that meeting. I will now give his testimony, taken from the notes of Mr. Clifford. Mr. Dwight says:—

Dr. Adams, in his remarks at the meeting of the Association in July, 1849, referred to a roll on the table in a very significant manner, as containing something from the records in relation to Mr. Fairchild's having the gonorrhea. It was referred to in such a way as to stagger me. Dr. Adams referred to the document as containing indubitable proof of Mr. Fairchild's guilt. This was in conversation with me. He was sitting next to me. I said to him, "If that contains testimony from Dr. Hayward to prove that Mr. Fairchild had that disease, it is inconsistent with what Dr. Hayward has told me in private."

Hearing the next day the use which Dr. Adams had made of that deposition, I took my copy and went over to Brookline, to learn something more about the matter from Rev. Mr. Haven. And while there I read to him so much of the deposition as would enable him clearly to see what its statements were. After hearing it, he expressed the greatest surprise. He exclaimed, "Are those things which you have been reading really contained in the document from which Mr. Adams read to us yesterday?" I told him they were. "Well, he read nothing of that kind to us; if he had, his object would have been totally defeated."

And what an unjust and disgraceful method did Dr. Adams take to accomplish his object! For what had Dr. Hayward's attendance on me, or refusing to attend on Mrs. Fairchild, or the changed opinion of a distinguished

lawyer, supposing it all to be true, — what had it to do with the case before them? They were called there to act on my request to expunge from their book of records a vote and preamble of falsehood and infamy, that it might not go down to future generations to stigmatize my memory, and not to discuss such matters as Dr. Adams was obtruding on their attention. What, then, could have been his purpose in thus introducing topics so foreign from the object of their meeting, but to render me odious and detestable to the gentlemen then present? I do not wish to sit in judgment on Dr. Adams; it is not my province, though he has so arrogantly assumed it in relation to me. But if he be a good man after all this wrongdoing, persisted in for so many years, (and there is much more of a similar character yet to be developed,) I think that every reader will say that the doctrine of falling from grace, as embraced by our good Methodist brethren, must, after all, be the true doctrine.

I wish now to take my leave of Dr. Adams so far as relates to his many and oft repeated, though thwarted efforts to fix upon me, by vicious practices, an opprobrious disease, committing him and his unfortunate associates in this disgusting affair, to the merited and seathing rebuke of Mr. Clifford, only adding that if Dr. Adams, as an honest and educated man, had ever read a medical book of any acknowledged authority, he would never have been found furnishing materials, and criticizing sentences, and eliminating passages in his Medical Fact, unless he wished to make himself an object of ridicule among all men of literary attainments. But whether his treatment of me in this matter is to be attributed to ignorance or malice, is a question for my readers to determine. Charity bids me

hope, for his sake, (though hoping against hope,) that it is a sin of ignorance, which it may please God "to wink at."

At the close of the meeting, Dr. Burgess and Mr. Dwight requested permission to enter their protest on record, that it might be known, in all future time, that their voice was raised against perpetrating and perpetuating such iniquity. But Dr. Adams objected. Dr. Burgess said he would enter his protest, if allowed, only in two words, — "*false and libellous!*" But no; this privilege could not be granted, as Dr. Adams said "it would be disrespectful to the Association!" But he could see no disrespect to God or man in recording, and retaining, and justifying in their book one of the grossest libels that was ever penned! no disrespect at all in persisting in a palpable breach of the *ninth* commandment, but very respectful to persecute a man with untiring energy for ten years, for being only *suspected* of a breach of the *seventh*.

The next day I received from the scribe the following note: —

SOUTH BOSTON, July 11, 1849.

TO J. H. FAIRCHILD: —

Dear Sir, — The Suffolk South Association direct me to send to you the following *general* result of the meeting yesterday. Full copies of their votes will be forwarded to you as soon as the minutes are corrected so that I am able to make them out by authority of the Association.

1. A motion, "That the vote of January 7, 1845, on the case of Mr. Fairchild, be rescinded," was decided in the negative.

2. They have adopted a *declarative* vote to show what were the views of the Association at the time when the preamble and vote of January 7, 1845, were passed, by introducing the language of the Exeter Council into a new draft of said preamble and vote.

3. They have appointed a committee of three to consider whether any further entry upon our minutes is desirable with

reference to the proceedings of the civil court and installing council. Yours respectfully,

J. W. ALVORD, *Scribe of the Association.*

Having previously engaged to exchange pulpits on the 15th of July with Rev. D. D. Tappan, then pastor of a church in Marshfield, I sought and obtained an interview with Mr. Webster at his house on Monday morning. I stated my case to him fairly, though briefly, and asked him whether I could hope for redress in the civil court? He replied that my case was a very plain one,—that the Association had uttered a libel against me,—that such a clerical body was not known in law in Massachusetts,—that they had no more legal right to place such a preamble and vote on their records than twelve men in a bar room would have to do a similar act, and were just as responsible to the law for it,—that I might sue them for slander *collectively* or *individually*, and that the law would sustain me in either course,—that when I had got through with one, I could take another, till all who originally voted to put them on record, or had since voted to retain them there, had suffered the penalty prescribed by law for such offences. He spoke particularly of the statute of limitations in relation to my case, that although that libellous vote was put on record in January, 1845, yet as I had received no official copy till May, 1849, the statute of limitations would not apply to the case till May, 1851,—that the law assumes that the man thus slandered is ignorant of it till he has a certified copy of the record which contains it, and that therefore as I had no legal knowledge of the existence of the slander till last May, I was not barred by any law from commencing a civil prosecution, till two years had elapsed from the date of the certificate sent me by the scribe. This is, in sub-

stance, what Mr. Webster said on the merits of my case. And as I arose to depart, having expressed my thanks, and been assured by him of a welcome with that indescribable smile, so peculiarly his own, the like of which I never saw before, and never expect to see again on any "human face divine," I then took my leave with the usual salutations; and as he received my hand he said, "permit me to give you one word of advice,—if you should ever be placed in such circumstances again, (which I hope will never be,) have nothing to do with an Ecclesiastical council. They are the last body of men on earth, however wise and honest, to sit in judgment in such a case. Their education, their habits, their profession, are all unfavorable to the exercise of that discrimination so essential to the right understanding, and thorough sifting, and safe application of human testimony."

Shortly after my return from Marshfield, I addressed the following letters to the Hon. Rufus Choate:—

Boston, July 23, 1849.

HON. RUFUS CHOATE:—

My dear Sir,—In connection with this note, I send you my circular addressed to the members of the Suffolk South Association. On reading it, you will at once perceive its nature and design.

When Mr. Bartlett wrote you at Washington, requesting you to become my senior counsel, in my trial before the Municipal Court, you declined on account of certain circumstances which you did not specify. Presuming that there is nothing now existing to prevent you from counselling me in *private*, I send you this note, asking you to advise me, a poor, injured, oppressed, persecuted clergyman, what I can do, in my present position, to obtain my rights, which have been most unjustly wrested from me.

I never received till the second day of last May, any official notice of my expulsion from the Association. I never once suspected that they had entered a vote on their records so totally false and libellous. But since I have been officially

informed of it, by having a certified copy put into my hands, I have been seeking its erasure. To accomplish that object, I sent them my circular. They have recently held a meeting to act on my application; and a majority voted not to rescind, though I am told that a respectable minority were very urgent that the vote should be rescinded, because it was not true, and therefore doing me great injustice. I remonstrated both in person and by letter against their sitting in judgment on my case, and condemning me without permitting me to hear and answer for myself. But my remonstrance availed nothing with the majority. I was excluded; and I left them solemnly protesting against such a procedure, as a violation of all law, human and divine.

It seems that my impartial trial, and honorable acquittal, by the civil court, did not satisfy some of my ministerial brethren; and they have therefore treated me ever since, just as though I had been pronounced guilty. They have thus set up their own opinion as paramount to the opinion of lawyers and judges and jurors. For this reason I now ask you, as one learned in the law, to counsel me as to what course I ought to take. I beg you, at least, to admit me to an interview with you, that I may verbally state to you my case more fully than I can do by writing. Your *advice* would be of great service to me. I do hope and believe that it is in your power, under God, to put me in the way of obtaining relief, and of restoring to me my just rights as a minister and as a citizen. God knows that I am innocent of the crimes for the imputation of which I have suffered so much; and the laws of my country proclaim me innocent too. Verily I have, like Paul, "*been in perils among false brethren.*"

Respectfully, yours,

J. H. FAIRCHILD.

P. S. — I will call on you within a few days, either at your house or office.

J. H. F.

Boston, July 27, 1849.

HON. RUFUS CHOATE:—

My dear Sir,—I want words to express my gratitude to you for the kind manner in which you treated me yesterday. Knowing that your time was precious, I did not say all that I wished to say. Excuse me for expressing a few additional thoughts on paper.

As soon as Mr. Adams ascertains that I am making preparation to obtain my rights by a legal prosecution, he will doubtless come to you for advice. It has occurred to me that a plain

statement of the case by you would convince him that he is wrong, and might induce him to do me justice, without compelling me to carry the matter to the civil court. I have no wish to use the law in order to regain my rights. All I ask is that the Association rescind the vote on their records, because the professed reason of it is a fiction, and wholly untrue; and, consequently, the retaining of it is a perpetuation of injustice towards me. "That vote, false in itself, is the only formal and official condemnation of me for the crimes of which I have been accused. No other record denies me any wonted ministerial standing. No verdict of a jury touches my character. No result of council affects my office." I am the regularly constituted pastor of a regularly constituted church. The venerable Dr. Woods of Andover, preached my installation sermon. He recently spent a Sabbath with me, and preached to my people both parts of the day.

It seems to me that you might convince Mr. Adams that he cannot safely persist in treating me as he has done, on the ground of his impressions. He is welcome to his impressions; but he has no right to use them to injure my reputation as a man, and usefulness as a minister. He was not a witness in court, because he could testify to nothing but impressions. This he was permitted to do at Exeter, which doubtless led the council to come to such a result as they did; but no such liberty was granted him in court.

Do, my dear Sir, use your influence to have this matter settled without a resort to civil law. "Blessed are the peacemakers." I want nothing but a simple act of justice. Let them rescind that vote, and thus restore me to regular standing, and then I will immediately ask for a letter of dismissal and recommendation to the Woburn Association, or to some other. I have no wish to retain my connection with them a single day after I am restored. I mention the Woburn Association, because they have sent a unanimous vote to the Suffolk South Association, requesting them to rescind the vote by which I was excluded. This shows their opinion of me.

I said a word to you yesterday about that disreputable disease which Mr. Adams seems so desirous to fix upon me. Judge Warren told me that this story came to his ears before he engaged to be my advocate, and that he went immediately to his friend Dr. Hayward, to consult him on the subject, and that he was perfectly convinced of my innocence from what the doctor stated to him; otherwise he would never have consented to defend me in court. If Mr. Adams will take back such in-

sinnations, and cause that vote to be rescinded, he will hear nothing further from me. This will be to act in accordance with the law of right and justice. But if he refuses to do this, I see no way of obtaining my rights except by an appeal to the laws of my country. This I shall do with great reluctance, and may God make use of you to prevent it.

I send you with this the correspondence between Mr. Adams and myself. It would be unreasonable in me to expect you to read the whole of it. But I do earnestly request you to read three pages, namely, the 38th, 43d, and 44th. You will then have a bird's-eye view of the manner in which he has treated me. I also send you a copy of the preamble and vote of the Association, which I am seeking to have rescinded.

If I have committed an impropriety in thus addressing you, let my peculiar position and my earnest desire to regain my rights without litigation be my apology.

Respectfully yours,  
J. H. FAIRCHILD.

---

## CHAPTER XIX.

ABOUT the time that I wrote the preceding letters to Mr. Choate, I addressed the following note to Rev. J. W. Alvord, then scribe of Suffolk South Association:—

Boston, July 26, 1849.

REV. J. W. ALVORD:—

Dear Sir,—I would thank you to furnish me with a copy of the doings of the Association, in relation to my case, from the meeting which was held in the vestry of the Phillips Church in June or July, 1844, to the meeting of January 7th, 1845. I presume that you can have no objection to granting this request, since you read them all to me by order of the Association, in your last meeting. I wish for the names of all the members who were present at each meeting,—the names of the committee appointed at the meeting in your vestry,—the purpose for which they were appointed,—a copy of the letter sent by the Woburn Association, and the disposition which was

made of that letter. I wish, *particularly*, for a full and complete copy of the records of your meeting in January 7, 1845. I hope that you will attend to this matter without any unnecessary delay. If your engagements are such that you have not time to transcribe the records, I will readily save you the trouble by doing it myself in your study and in your presence. Please let me hear from you soon.

Respectfully yours,  
J. H. FAIRCHILD.

To this note Mr. Alvord replied as follows :—

SOUTH BOSTON, July 26, 1849.

To Mr. J. H. FAIRCHILD :—

Dear Sir, — Your note requesting a copy of the doings of the Suffolk South Association in relation to your case, from July, 1844, to January 7, 1845, is just received. And in reply, while I have no *private* objections to your request, yet as *scribe of the Association*, (and as I have before said to you,) I deem it inconsistent with my trust to put in circulation copies of their minutes without their consent. Your note will therefore be communicated to the body at their next meeting, and if so authorized, I will cheerfully furnish the papers which you desire.

Yours, respectfully,  
J. W. ALVORD.

Mr. Choate either refused to take the course which I had requested him to take, or if he did, Dr. Adams would not heed him. I therefore directed my junior counsel, A. B. Ely, Esq., to cause a writ to be served on Dr. Adams the 2d day of October, 1849, and commenced a suit for libel and slander, which was entered for action in the Supreme Court. Shortly after this I received the subjoined note from Mr. Choate :—

BOSTON, October 15, 1849.

REV. MR. FAIRCHILD :—

Sir, — Not having heard from you, I apprehend that my note of last week may have miscarried.

I wrote then, and do now, to explain the position which I must occupy in relation to your suit against Mr. Adams. At the interview which you had with me at my office, I understood from you that you must enter a suit against the majority of the

Association for their recorded acts. It never occurred to me, for a moment that my minister was to be singled out for this kind of proceeding, and that an accusation personal to him,—discriminating between him and the other members of the clerical body with whom he acts, and of whom, in their conjoint capacity, you led me to believe you proposed to complain,—was thought of. I was, therefore, greatly surprised and pained at finding him thus aimed at in what I hear is the nature of your action.

I do not presume to censure your course. But I feel it to be proper to apprise you that, while in a suit against the majority of the Association, for a joint official act,—the only one of which you gave me any hint,—I should have taken no part, yet in the defence of any suit against Mr. Adams alone and personally, I shall certainly act as his counsel.

I am, Sir, your obedient servant,  
RUFUS CHOATE.

The following is my reply:—

Boston, Oct. 25, 1849.

HON. RUFUS CHOATE:—

My dear Sir,—Your note of the 15th inst. has been received, and I have received no other. At the time of its arrival I was out of the city; otherwise I should have answered it at an earlier date.

I am not much surprised that you have consented to act as counsel for Mr. Adams; for while you assured me that you would not do so for any other member of the Association, yet you excepted him on the ground that he is your minister, in case he should insist upon it. But you gave me reason to believe that you should array yourself against me with great reluctance, even at *his* request.

But I will frankly tell you what *does* surprise me very much. It is the fact mentioned in your note, that it never occurred to you for a moment that *your minister* was to be singled out for this kind of proceeding. Let me here state to you the substance of our conversation. As soon as I entered your office you received me very kindly, and immediately on finishing a sentence which you were writing, you said to me that you had received my note, and that the only reason for declining acting as my counsel in the Municipal Court, was, that you expected Mr. Adams would be a witness against me, and that you did

not like to come in collision with your minister. But you added that when you perceived he was not a witness, you very much regretted that you did not take my case. You also expressed the greatest astonishment that sensible men should give credit to such a witness as the girl who testified against me in court.

As my note to you contained the circular which I had addressed to all the members of the Association, you of course saw the bearings of the case; and you remarked that there were now still stronger reasons why you could not act as my counsel in the pending case, since Mr. Adams must necessarily be a party concerned. I then stated to you my interview with Mr. Webster, and his opinion of my case. To all his views I understood you to give your ready assent. I told you that I must select out Mr. Adams from the others, because I had against them only *one count*, — that of *libel*; but against him I had *two*, — *libel* and *slander*. The *libel* was the false vote on their records, — the *slander* was the gonorrhœa story which, I was told, he had been relating before the Association, at their last meeting. I assured you that he might, with as much truth, have accused me of all the crimes ever perpetrated by man. I told you that my wife's father was visiting me when the Association voted not to rescind; and that he, an eminently pious man, charged me to carry this matter into the civil court; — that it was a duty which I owed to *him* as well as to his daughter and grandchildren; and that he would not excuse me if I declined doing it. I also assured you that my mind was fully made up; — that I would not endure such treatment any longer; — that if I were in the Presbyterian Church I could go from Presbytery to Synod, and from Synod to the General Assembly, and thus obtain my rights; but that in the Congregational government I could go no further, and that I must now have recourse to the laws of my country. You replied that you did not blame me, and that you saw but one difficulty in my way and that was the danger of finding on the jury some personal friends of Mr. Adams, and that this might affect the amount of damages. I replied that money was not so much my object as the vindication of my character; — that the facts as published in court, would be known by the people, and that *they* would be my jury. You suggested that the difficulty you had mentioned might be remedied by my removing into Dorchester, and having the trial in another county. To this I at once objected, because it would not only be inconvenient to do so, but it would seem to say that I distrusted my fellow-citizens, and was afraid to be tried by them, which was not the case. To this you as-

mented, and thought, on the whole, that it would be best to have the trial in Boston. I told you that I was poor, and had no money to fee a lawyer, and asked you how it would do to let Mr. Ely plead my cause in court, and to state that he did it *gratuitously*, because he knew it to be founded in truth and righteousness, and ought to prevail in opposition to the ablest lawyers who might be employed and richly feed by the other party. You approved of my suggestion; but added that, while you regarded Mr. Ely as an able man, and capable of doing justice to the subject, yet I need not be surprised if some one of our elder and most talented lawyers should offer his services without compensation; for, you added, we have some able men at the bar who are not penurious.

The next day after this conversation, I sent you a second note, dated July 27, 1849, in which I mentioned Mr. Adams distinctly several times, and no one else. I also sent you at the same time, the correspondence between Mr. Adams and myself, and referred you to three pages which I wished you to read, as you would there have a bird's-eye view of the manner in which he had treated me. I also sent you a copy of the preamble and vote which I was seeking to have rescinded, expressing in the same letter my earnest desire to avoid litigation, and my hope that you would use your influence with Mr. Adams to induce him not to compel me to such a step.

How you could say to me, in your note, after all this, that you were greatly surprised and pained at finding Mr. Adams aimed at, is a matter which I cannot explain. I do not, however, wish to complain of your course. God has hitherto delivered me, and I trust that he will yet deliver. It was only after trying every possible means in my power to obtain a simple act of justice at the hands of Mr. Adams and others, that I felt compelled to appeal to the law, — and for that, I have your sanction. I am still anxious that the matter should be settled without the necessity of spreading it far and wide through the publicity of a legal trial in court. But the other party must do me, at least, an approximation towards justice. I am not vindictive; but I have some rights. I am not a felon, to be dogged about at the pleasure of men devoid of sympathy and charity. If I thought it was in your power to induce Mr. Adams to do right, as his *friend*, when I wrote you before, I of course think it is still more in your power to do so as his *counsel*. And I feel confident that after your strong expressions of sympathy in my behalf, and your unqualified assent to the justice of my cause, you will use your endeavors to induce Mr. Adams to assume, if

possible, the attitude of a Christian minister, and render to me, as I suggested in my note to you, July 27, 1849, the right which he has so long and so causelessly withheld. I am sure it will be no fault of yours if it is not done.

It may be deemed proper that I should notify you that B. R. Curtis, Esq., is my senior counsel.

Respectfully yours,  
J. H. FAIRCHILD.

Mr. Curtis, as is well known, has since been appointed Judge on the bench of the supreme court of the United States, than whom, by common consent, an abler jurist did not grace the learned bar of Suffolk. And when I consulted him, he gave me the same opinion as did Mr. Webster and Mr. Choate; and after carefully examining into the merits of my case, he consented to argue it as my senior counsel. He hesitated for some time on account of the many previous engagements which seemed to demand all his attention. But when I stated to him what the slander in the writ was grounded on, he consented; because he was Dr. Hayward's counsel, when he was compelled, at the instance of Deacon Drake, to give his deposition with regard to his attendance on me in 1833. Mr. Curtis, having heard all that Dr. Hayward had testified to, knew that the slander part of the action could very easily be sustained.

Soon after it was announced in the papers that I had commenced the action against Dr. Adams, Bradford Sumner, Esq., sent me a note requesting me to call at his office. I did call; but a very few words passed between us, as may be inferred from the following letter.

Boston, November 28, 1849.

TO BRADFORD SUMNER, ESQ.:—

My dear Sir,—A few weeks ago I received a note from you requesting me to call at your office. On my compliance with

your request, you, as a friend to both parties, suggested that there was a better way of settling my difficulties with Mr. Adams than by going to law. You did not then mention what that better way was; but from your note to Mr. Ely, it would seem that you had in view a reference. Now you know that I am not pugnacious nor vindictive; but I must honestly say to you that a reference does not meet my approbation. I do not say *positively* that I will decline a reference; but I shall consent to it with great reluctance, if at all. I feel as though no trial out of court could ever do me justice. It is perfectly easy for Mr. Adams to settle this matter without a trial in court or by reference. If he is disposed to restore to me my just rights as a minister and as a citizen, which he has so long and so causelessly withheld, and to do me a simple act of justice, the way will then be open to settle our difficulties without any trial public or private. But if he is not so disposed, then I think it best for the case to be decided in court. He *knows* that the vote on the records of the Association is false, which asserts that the council at Exeter had declared me guilty of seduction, and adultery, and falsehood. And as to the gonorrhœa story, if I have had that impure and loathsome disease, then it is a duty which he owes to the ministry, the church, and the world, to prove it in open court. But if I am innocent in this matter, (and God knows that I am,) then the same duty is equally incumbent on me, not to rest under such an imputation. I frequently hear of his having privately and confidentially mentioned the gonorrhœa story to justify his treatment of me, to those who doubted the propriety of his conduct. Ought not such persons to be undeceived? And where can this be done so effectually as in a court of justice?

Respectfully, yours,

J. H. FAIRCHILD.

Perhaps this will be as good a place as any other, in which to state the reason which Dr. Adams gave for what he called my failure in obtaining the services of Mr. Choate. The Rev. Mr. Buddington, then of Charlestown, made, in substance, the following statement in Dr. Adams's trial for libel and slander. He says that Dr. Adams, on a certain occasion, was conversing with him about the libel suit, and related a circumstance which Dr. Adams called "a providence of God." He told him

that the reason why I lost the services of Mr. Choate was the stratagem by which I had sought to gain my point, or to use his own term — the “finesse” which I had resorted to, was the occasion of giving Mr. Choate to him — that I had represented to Mr. Choate that my suit was to be brought against the Association *collectively* and not against Dr. Adams *personally*, and that therefore, Mr. Choate felt at liberty on account of this “finesse” resorted to by me, which “finesse” Providence had overruled, to his great advantage in allowing Mr. Choate to become his advocate without any breach of professional honor on his part towards me. Mr. Budington further stated that Dr. Adams told him that he had a peculiar horror of having Mr. Choate show me up in court, and that I had a dream about it, and had tried to gain Mr. Choate as my counsel. Now the truth is I never made any attempt to gain him as my counsel I no more expected him to be my advocate than I did Mr. Webster, and I went to him from the same motive and for the same purpose that I went to Mr. Webster as my correspondence with Mr. Choate clearly shows I know that Mr. Clifford in his argument speaks as though I had applied to Mr. Choate for that purpose but he was mistaken. Neither did I ever have a dream filling me with horror at the thought of being shown up by Mr. Choate in court. This probably is a fiction of Dr. Adams’s own brain, or a dream which he himself had when wide awake.

## CHAPTER XX.

IN the *Congregationalist* of January 25, 1850, a weekly religious paper, the senior editor of which was, at that time, Dr. Edward Beecher, appeared a communication headed "ESSEX SOUTH CONFERENCE." Of this communication Dr. Beecher was the author. He was deeply interested and personally concerned in the libel suit then pending against Dr. Adams, he having been one of the three who prepared the preamble and vote presented to the Association in January, 1845, and placed by them in their book of records. When that article appeared in the *Congregationalist* the case had not then been submitted to a reference, and was therefore expected by Dr. Beecher to go before a jury. In that article there was a covert attack on me, not only mean in manner and tone, but without so much as the "shadow of a shade" of justification. It was evidently designed to affect public sentiment, that the jury who should try the case might be more likely to render a verdict in favor of Dr. Adams, and indirectly in Dr. Beecher's favor. The paragraph to which I refer was reviewed by a gentleman residing more than twenty miles from Boston, which review he sent for publication in the *Daily Mail*; and I here insert both the paragraph and the review.

"The Suffolk South Association refused to try one of their own members, but referred the case to a council. On the ground of the decision of that council they excluded him. After his trial by a civil court his case ought to have been reviewed by a council, but it was not done. The Association on principle refuses

to do it, and will not act in his case because a proper revision of it by a council has not opened the way."

In the present state of the pending suit at law, we are sorry to be compelled to say a word about it, fitted in any way to affect the public mind or feeling; but it is imperative that gross error, tending to rank injustice, be counteracted with the least possible delay, and as publicly as the circulation of such error. And we are fain to say, that so many bungling blunders, — so much contradiction and perversion of truth, — so much ambiguity of terms, — so much irrelevancy to the professed subject in hand, and, in a word, so much that is vicious, are seldom wrought into the compass of so short a paragraph by a cultivated mind intending to be honest.

Was it decent, we ask, to impose on the Christian public, as *ecclesiastical authority*, the doings of an Association whose action, instead of being stamped with the seal of time, and having settled down into an acknowledged precedent, had not even begun to receive so much as the acquiescence of the Christian public either at home or abroad; but, on the contrary, is regarded by so many learned and upright divines and civilians, as rotten from the egg; and not only so, but, at the very moment of its citation, is the subject of a libel suit for judicial redress in the highest court of the Commonwealth? When the Congregationalist undertakes to settle one controversy by authority of another simultaneously so controverted, though its expedient be foolish and abortive, its folly, in such a case, is much more to be regretted by its friends, than laughed at by its enemies.

But to understand fully the unworthiness of the paragraph in question, it is necessary, after viewing it as a whole, to separate its elements and ascertain its composition; and therefore we proceed to analyze and exhibit, part by part, this most remarkable specimen of editorial acuteness and ecclesiastical authority. It opens by the statement that "*the Suffolk South Association refused to try one of their own members, but referred the case to a council.*"

And whose application to try Mr. Fairchild did this wary and scrupulous Association *refuse*? Had any member of it the greenness to propose such a *trial*? So it would seem by the terms of the above quotation; and yet their utter incompetency to the act prayed for and *refused* is the first lesson in the horn-book of Congregationalism. A most magnanimous *refusal* of a clerical body who have not so much *authorized jurisdiction* as

over a church mouse! How worthy of a solemn record in a prominent editorial of the Congregationalist, to enlighten this benighted age! But the vastness of the obligation to gratitude is even greater than all this: for the same brief sentence informs the Christian world not only that the Association *refused* to exercise jurisdiction over Mr. Fairchild, but that, instead of consenting to do so, they "*referred* the case to a council," — yes, *referred* it! And, really, what do these Rabbies of the Congregationalist mean when they proclaim this *reference*? The public ought to understand their obligations as precisely as definite terms can explain them.

We may not know quite so much about scholastic divinity or ecclesiastical order as our betters, or as we do about some more secular concerns; and may, therefore, be excused for asking for light in this matter of *reference*. When we hear of *referring* a case for trial, we are accustomed to understand by the term *reference*, either that it is returned from one tribunal to another, or that by agreement of parties it is taken out of court, or otherwise submitted for decision, and award to referees mutually chosen by the parties at issue. Do the reverend doctors so understand the matter in the case cited as grave authority, and which the Suffolk South Sanhedrim so resolutely *refused* to adjudicate, and were so prompt to *refer* to a council?

To our shortsightedness this does not look like old-fashioned Congregationalism, if we may be allowed to have an opinion in such matters, or presume to doubt the infallibility of reverend divines. We had supposed that what is not a tribunal, cannot refer or be referred to as such, and that a clerical association of Congregational ministers are as impotent to *refer* a case for trial to an ecclesiastical council, as they are to exercise jurisdiction themselves. Or if the reverend editors mean by a *reference*, an arbitration by referees chosen by the parties, we will only say that we never heard till now of any such *reference*, but have learned on credible authority that the doings of the Suffolk South Association were deeds of darkness, and that when Mr. Fairchild learned, at a very late period, the false record which had been fabricated against his character, and sought from the Association a redress of the wrong, so far as was then possible, by the rescinding of that record, he was not allowed to come in as a party concerned, and hear what testimony or what objections his inveterate and vindictive enemies might urge to overrule his most reasonable request. Instead of granting such permission to be present and hear and answer for himself, though pleaded for as a privilege, and claimed as

his right, and as due to the first principles and common sentiment of justice, it was resolutely denied him either as a right or as a boon. Froward and perverse, and with such evidence and conviction of the falseness of their record as set them about contriving a silly and shuffling evasion of its open shame and civil responsibility, did those reverend gentlemen, after stroking down their consciences, refuse to rescind their record, thus in effect conspiring and resolving to preserve against him, what, till rescinded and erased, will never cease to rise up in judgment against themselves.

As to the notion of a *reference* of Mr. Fairchild's case by the Association, after their *refusal* of a motion for a trial before them, in any proper sense of these terms in respect to trials of litigated cases, we need say but little more than that it is both preposterous and ridiculous. We make no pretensions to be much booked in cases or principles of canon law; but if we have read correctly the simplest elementary principle of Congregationalism, the Suffolk South Association can in no emergency whatever, refer a case to an ecclesiastical council for adjudication, or for advice in a question of discipline. They are ecclesiastically unknown and uncognizable. They cannot so much as be a party before an ecclesiastical council whether in a case of discipline or any other matter. Their existence, strictly speaking, is not even clerical, except to themselves, if that. They neither *have*, nor are subject *to*, jurisdiction; nor can they be ecclesiastically known in relation to it. They *can*, indeed, determine who may and who shall not be members of their club, and can at any time collectively abolish or individually abandon their voluntary and irresponsible connection; as also they can collectively determine when the membership of any one of their number shall cease, just as a ring of school-boys can determine who may and who shall not play "hide and seek," in their circle; but even their high-mightinesses have no more power to touch character by discipline or censure for alleged moral dereliction, or to *refer* a case to an ecclesiastical council for the trial of the humblest of their number, than they have to convoke the divan of the Grand Turk, or to direct the civil and military affairs of the Czar of Russia. Their action in any way or manner in any matter of ecclesiastical discipline or censure, is abhorrent to the whole scope and genius of Congregationalism.

But without staying any longer to animadvert on the use or abuse of terms, we proceed at once to the next statement of the paragraph of the reverend editors. It reads thus: "On the

ground of the decision of that council they excluded him." The gist of this statement, according to its natural and proper import is, that the exclusion of Mr. Fairchild by the Suffolk South Association, rested, not on the fact that the council at Exeter came to some decision or other in his case, but on the *substance and character* of their decision or result. If such is not the intended meaning of the *Congregationalist*, it is deceptive and unintelligible.

Unless we greatly mistake, the senior editor of that paper is a member of the Suffolk South Association, and has had more to do in the matter of its record than is commendable, or than will prove convenient to himself. If we are right in respect to the fact of his agency in that affair, he cannot be ignorant that our interpretation of his statement tallies *with* and is fully sustained by the record of his Association. In their preamble to the resolution of ejection of Mr. Fairchild, they carefully profess to take the precise ground, and to set forth the very substance of the result of council. They profess to make their act wholly dependent on the true and proper import of that result, and thus to vindicate their own act by such authority from the council.

We say, so the Association carefully *profess* in their preamble, and the last foregoing sentence quoted from the *Congregationalist* is doubtless intended as a virtual reiteration and vindication of the import and substance of that unblest preamble. But has the senior editor of that paper yet to learn that the professed ground of that preamble is miry, — too loose and quaking to bear the burden which he and they ventured to put upon it? We have heard many gifted and learned men of different professional pursuits, and other men of clear and upright minds, express their opinion respecting the preamble and its dependent resolution; but we have not yet been so lucky or luckless, as to find a divided sentiment, or a doubt that the preamble finds no authority in the result of council; but, on the contrary, the ready conviction that the preamble and its dependent resolution are together reprehensible.

Perhaps, however, the senior editor of the *Congregationalist* may have had a different experience. But if so, then we have only to say, that, therefore, he should have been the more content to leave to the law and the testimony, the libel suit of Fairchild *versus* Adams, instead of contriving to affect public sentiment in the case by citing, as grave ecclesiastical authority, the doings of an association who are yet waiting to find out whether they are not libellous and criminal, notwithstanding the cunning effort to scratch a little dirt over their own open offence.

But there are other matters somewhat more *ecclesiastical*, which may not be passed over in silence; and we now proceed to examine the next period in the paragraph under consideration, which is as follows: "After his trial by a civil court his case ought to have been reviewed by a council, but it was not done." Verily, we had not believed that in so bright a paper as the *Congregationalist*, one spot of such pitch darkness could ever gloom its pages. But great men are not always wise even in their craftiness.

Does the learned editor indeed mean that Mr. Fairchild, after being twice acquitted of the same offence — namely, once by the verdict of a jury, and once by a special and explicit provision of a result of council — should, either in form or fact, be tried a third time, and that too to clear him from the effect of a resolution standing on nothing but sheer falsehood? That would be "three times and out," with a vengeance.

And pray, reverend Sir, what council *ought* to have *reviewed* his case? And who on earth should call it? Should it be mutual or *ex parte*? If mutual, who would be the parties? Or if *ex parte*, who would that party be? Should Mr. Fairchild call it? And if so, for what use? Should the church at Exeter call it? That had ceased to be a party when Mr. Fairchild's connection with it was dissolved. We see but one party that could dream of such a necessity, or any possible object but to relieve the self-righteous Suffolk South Association of their infallible bull of excommunication.

Does the reverend and learned editor mean that the old Exeter Council, whose provisional result acquitted Mr. Fairchild, ought to have reviewed his case after his acquittal by the jury? Surely no other council could act, for there were no parties to call them. But the Exeter Council was dead, and left no remains for interment, dissolution, or resurrection.

Or, do you say, Rev. Sir, that the Exeter Council should have adjourned to meet again, at some indefinite time thereafter, on the verdict of acquittal by a jury, whose existence they could not know of? But this will never do. Possibly it might have been wise enough for the Suffolk South Association to have adjourned after they *did* know, on information from Mr. Fairchild, that he was about to submit his case to a jury. That probably would have been much wiser than their haste to exclude him from the Association by a false record. But, again, if the Exeter Council had no right to die just then, and if Congregational order required them to live over for the contingency of a jury trial, then was their result void, and the dependent action of the Suffolk South Association was also void, even

Though their preamble had been true instead of false. But there is still another objection, and fatal to the notion of the Council's adjournment after the result on which is pretended to be based the ejection of Mr. Fairchild by the Association. Even were we to leave out the consideration that a result in part is no result at all, but a misnomer and an abortion, there is a principle of Congregationalism of which the Fathers of the Platform were deeply considerate and tenacious,—the principle that councils always die in giving birth to a live result. A two-year-old or a yearling council they were jealous of with a godly jealousy, and would not abide it. To question that fundamental principle would not at all become the senior editor of the *Congregationalist*, if our understanding of matters is right side up. If we have not much misread the protest of the Reading church, published in the appendix to the result of council at Reading in 1846, by many imputed to the pen of the aforesaid learned editor himself, and certainly having his sanction, the principle is strenuously urged and defended that a council dies when its result begins to live, and that its own existence cannot be protracted to hang over, either for fear or favor, future and contingent issues of either party. By that instrument it seems to be made plain by authority of the Fathers as well as by good and substantial reasons, that the council at Exeter could not live to review the verdict of a jury; and if not, what council could be called to review both that verdict and the result of its predecessor? And why should any one, especially the senior editor of the *Congregationalist*, affirm or imagine such a necessity? What would such a council do if called together? There are but two possible or supposable things. They must either affirm or gainsay the verdict. Can they contradict it and declare a man guilty on partial evidence who has been acquitted by a jury on full evidence? Can they destroy by a result what the jury have preserved by a verdict? There is, then, but one only alternative,—and that the affirmation of the verdict. And who, on second thought, will be silly enough to call a council to do what it can neither help nor hinder? Will not the learned editor review his own conclusion, instead of claiming that a council revise the verdict of a jury, or the result of its "illustrious predecessor."

Patient reader, be of good cheer! The review of one brief sentence more will finish that unlucky little paragraph which, in an evil hour, "through the palpable obscure found out its uncount way" into so able and valuable a print as the *Congregationalist*. That paragraph winds up with the following remark-

ably conscientious statement: "The Association on principle refused to do it, and will not act in his case, because a proper revision of it by a council has not opened a way." "ON PRINCIPLE!" doubtless. But what principle? The Vicar of Bray had one principle, and *but* one; and he stuck to it, back and forth, in his rapid changes from a Catholic to a Protestant, and from a Protestant to a Catholic, and so on; and when charged with a want of principle, stoutly denied it, affirming that it was all "*on principle*;" for his principle was to be VICAR OF BRAY.

If we interpret correctly the closing reason of the paragraph from the *Congregationalist*, it is this, neither more nor less, allowing the editor of that paper to represent and speak for the Association, namely: "If we have done Mr. Fairchild a wrong, however great, we will not so much as undertake to rectify it and do him justice, till an impossible event shall have taken place,—an event which, according to ecclesiastical order, should have taken place; but in violation of such order was not allowed to take place." If this is a true paraphrase of the Rev. editor's reason, it seems to be quite necessary for him to inform his readers that the Association act "*on principle*." We very much doubt whether the discovery would have been made till after the pending trial in court, were it not for this timely and most luminous affirmation of the representative of the Suffolk South Association. And pray, Mr. Editor, what sort of religion invented such a reason? Is it "according to the commandment which ye had from the beginning?" Came this *golden* rule from the Bible, or was it lately dug up out of the muck of California? Perhaps even deeper than that!

"*A council has not opened the way!*" Indeed! But have truth and justice opened the way? What a sad world for honesty, conscience, heart, and soul this overshadowed sphere would be, were it not for a *council* to open the way for truth and righteousness! Shut up to a necessity that knows no law, one would think that an honest Association would be a law unto themselves. Where there is a will, there is always a way, to do right; and without a will, neither councils nor divine grace can avail to stop the current of iniquity.

But did the Rev. editor of the *Congregationalist* remember to forget that Mr. Fairchild does not complain of the council?—that it is the independent and absolute doing of the Association which he wishes the Association to undo? He does not complain of dishonesty in the result of council; but of the dishonest record of the Association,—a record which was wholly their own, as well to unmake as make, and which required no

**more** honesty to conjure *down*, than contrivance to conjure *up*. If they think to hide the turpitude of their own falsification of truth behind a dead and vanished council, and to justify injustice, not their neighbor's, but their own, under the plea of an irrelevant ecclesiastical omission of others, they may as well think of making a covenant with death, and an agreement with the grave to hide their consciences from the light of eternity! Alas! for acting "on principle," if such are its issues; and alas! for Congregational liberty, if character may be struck down by a clerical blow in the dark, though shielded by council and jury, and then be trampled on from age to age by authority of a false record, till the slow waste of time shall obliterate the handwriting of dishonesty.

In conclusion, we have to express our extreme reluctance to do any thing which may look like interfering with an important case about to be tried before the highest tribunal known to our laws. Nor would we have published a word, except to counteract an untimely and dangerous influence from the press, which, having begun the suit, has taken an occasion, or rather made a pretence of one, to warp the public mind, by the misstatement of both facts and principles. Where the tendency to final injustice is so direct and strong, it must be guarded against with the least possible delay. No caution from an upright bench, no force of testimony, nor dread solemnity of oaths, can set aside the bias which has once entered the sacred precincts of justice. This is reason enough for exposing at once the prejudicial errors so authoritatively put forth by the *Congregationalist* as reliable truths. Even this reason, cogent as it is, gathers strength from the consideration that implacable persecution has already had so long a run, — that, on the side of the oppressor, there is power, — and that, after exhausting all other means of redress, the complainant has at last called for justice at the hand of a tribunal established by the constitution and laws of this Commonwealth for the protection of property and life, and that reputation which is dearer than both. But we desist. We feel above the need of apology for animadverting on what is so plainly and grossly wrong. If for a little while there may be different opinions of our course, time will harmonize public sentiment, and we feel no solicitude respecting its issue.

A CONGREGATIONALIST.

## CHAPTER XXI.

ABOUT this time my counsel thought it best to renew the effort to get at the records of the Association, that they might know for certainty, all their doings in reference to my case, as this information was not only my right, but might have an important bearing on their future proceedings. Accordingly Mr. Ely addressed a note to the scribe, reminding him of his note to me dated July 11, in which he says, "that full copies of their votes will be forwarded to me as soon as the minutes of the Association are corrected, so that he shall be able to make them out by authority of the Association." The scribe replied as follows:—

SOUTH BOSTON, March 8, 1850.

TO A. B. ELY, ESQ.:—

Dear Sir,— Your note of the 7th instant came duly. I was about to forward the votes, etc. referred to in my communication of 11th of July, when I was instructed by the Association to withhold all such documents until they were demanded under the requisitions of the *court*, before whom Mr. Fairchild has recently instituted a civil process against a member of the Association. This *subsequent act* of Mr. Fairchild, and the above instruction, must release me from my engagement to do what *otherwise* would have been but an ordinary duty.

Yours, very respectfully,

J. W. ALVORD,  
*Scribe of Suffolk South Association.*

Failing in this way of getting access to the records, to which both law and common justice gave me a perfect right, Mr. Curtis advised that Mr. Alvord be summoned before two magistrates authorized by law to take

depositions. Accordingly a subpoena was duly issued to said Alvord summoning him to appear, on the 28th day of March, 1850, before Oliver Dimon and William E. Parmenter, Esquires, justices of the peace and counselors-at-law, directing him to bring the records and papers of the Association relating to my case. Mr. Alvord appeared, but objected against testifying, and brought with him no records or papers. But the magistrates ordered him to testify as required, and the witness was sworn, under protest by him made.

In the course of the examination, in reply to several interrogatories proposed by Mr. Ely, the witness refused to answer or to produce the records, etc. referred to, *on the ground that his answers would expose him to a criminal prosecution*. The magistrates having decided that his answers would not, in their judgment, so expose him, ordered him to answer, and upon his refusal, committed him to custody.

The witness, being brought before Judge Fletcher, His Honor ruled that the statute goes upon the ground that *the testimony* of the witness, and not the *records* in his possession, may be lost, and the right to obtain the *personal testimony* of the party, and not to *obtain the records in his possession*; that there did not seem to be any ground to suppose there was danger by death or removal of losing Mr. Alvord's personal attendance at the time when the case should be tried in court, and that *therefore* the witness was entitled to his discharge.

After the witness was sworn *to tell the truth, the whole truth, and nothing but the truth*, the magistrates proposed to him fifty-seven questions, a few of which I will now quote from the notes of Mr. Dimon, together with his answers. "Do you hold any office in the Suffolk South Association, so called? I decline to answer, for the rea-

son that it might expose me to a criminal prosecution. Have you in your possession or control the records of said Association? I decline answering for the same reason. Do you not know that Rev. N. Adams is a member of said Association? I do not know *absolutely*. I suppose he was a member at the last meeting." My counsel here put into his hands several letters and notes which he had written to me, and asked him if those letters were written by him? He said, "he must respectfully decline to answer the question, as the answer would constitute one link in a chain of evidence which would tend to expose him to a criminal prosecution." He was asked to produce the records of the Association prior to the date of his coming to Boston to reside. He said he could not produce them, as they might expose him to a criminal prosecution. He here asserts under oath that records made four years before he came to Boston, could not be produced without exposing him to a criminal prosecution! One of the magistrates remarked, that among all the witnesses he ever examined he never knew one that equivocated like Mr. Alvord. At the close of this day's examination, which was Thursday, March 28th, it was vehemently urged by his counsel that the court would adjourn over till Wednesday in order to give the witness an opportunity to consult certain members of the Association who would be in the pastor's meeting on Monday, suggesting the probability that the objections to his testifying might be obviated; or as it was expressed by Mr. Alvord himself, that certain restrictions under which he considered himself as placed, might be removed by such consultation. The magistrates therefore adjourned the court till Wednesday the 3d day of April. When the scribe was under examination again on Wednesday, he stated that he

was at the ministers' meeting on Monday, but that nothing was there said regarding his deposition. But when he was asked whether he had had any conversation with Mr. Adams, he replied that he had. In answer to the question what that conversation was, he replied in these words: "I told Mr. Adams the objection which I made to answering the questions. He said he presumed that it was a proper objection. *He remarked that he thought that my refusing to testify would be a defence to him!*" I have quoted enough to let the reader see the nature and design of this strange transaction. It is evident, from this testimony, that the restrictions of which Mr. Alvord spoke on Thursday, and which he hoped would be removed on Monday, were laid on him by Dr. Adams, and that he would not consent to their removal. Yes, Mr. Alvord was placed in this disgraceful position, and led to testify in this equivocating manner, "*in defence of Dr. Adams!*" When I listened to the testimony of this witness, I could not help saying to myself that if I were detected in such swearing, it would not be long ere my enemies, with Dr. Adams at their head, would be calling on the council that installed me, to assemble forthwith to depose me. "But circumstances alter cases."

At the November term of the Supreme Court, 1850, my case was entered on the docket, and was declared by Mr. Curtis to be ready for trial. Soon after that, a proposition came from the opposing party for a reference. And when Mr. Curtis made the fact known to me, I strongly objected. I told him that my friends would be dissatisfied if I did not take the case to a jury. A former parishioner of mine, who had been a good deal conversant with referee cases, made this remark to me: "If your case be a doubtful one, then you

may safely submit it to a reference; but if your case be a good one, with the law and evidence on your side then by all means let a jury decide it." But Mr. Curtis replied to my objections, by stating that the referees would of course be honorable gentlemen, and probably of the legal profession; and as the law and the evidence were wholly on my side, I had nothing to fear and that the case would be more speedily settled than if taken to a jury. He thought that I run little or no risk, except in the amount of damages, which he well knew from what I had often said to him, was of trifling importance compared with a speedy and final settlement of the case. And at last I consented to a reference. And in thus consenting, I think the reader will see in what follows, (to use a phrase somewhat familiar with Dr. Adams,) "a providence of God," — quite as much so at least, as that my frightful dream and horror of being shown up in court by his friend and parishioner, Mr. Choate, was the means, under God, of giving him the services of that honorable and eloquent counsellor. But in giving my consent to a reference, I was with the distinct understanding on my part, that none of the referees should be of the orthodox persuasion, so that no one of them should, by possibility, be swayed by the question so naturally occurring to the mind, "What will best subserve the interests of the denomination?" My desire was that no sectarian or denominational influence should have any part or lot in the settlement of the matter; but that three gentlemen of other denominations, noted for their sound judgment and strict integrity, should be selected for this service to bring in an award in accordance with the real merits of the case, without being influenced in their action any more by a rich clergyman with rich friends, than by

poor clergyman with poor friends. Mr. Curtis remarked that in this matter I was right, and that I might rest assured of having such men on the reference. And Mr. Ely, my junior counsel, called on Mr. Hubbard, Dr. Adams's junior counsel, and told him on what condition I was willing to refer the case; and Mr. Ely reported to me that Mr. Hubbard made no objection. The case was then taken out of court. And the next step was to select the referees. But the other party would never give us any names but those of orthodox lawyers, with one single exception, — Professor Greenleaf, — and whom we readily accepted, but who declined the service. We gave them Judge Williams of this city, a gentleman admitted, I believe, by universal consent, to be one of the most upright, clear-minded, incorruptible, and best qualified men to sit on a case of reference, of any in Boston. But he was at once rejected. We then gave them Judge Morton of Taunton. But he was objected to, because, as it was stated, that some fifteen or twenty years ago he had some difficulty with an orthodox clergyman. We gave them Professor Parsons of Cambridge College, the Hon. John Reed, late lieutenant-governor of the Commonwealth, and I think the Hon. Samuel A. Eliot of Boston, and many others, whose names I do not remember. But they were all rejected. At last the reference was made up as it was, of three very honorable gentlemen, I admit, but not infallible, as I think the reader will see by the time he has finished my book. These gentlemen were Hon. Samuel Hoar of Concord, Hon. Linus Child of Lowell, and Hon. R. A. Chapman of Springfield, two of them being of the orthodox persuasion, and with neither of them had I the least previous acquaintance, though I am told it was quite otherwise

with my opponent. And I consented to the reference, not even dreaming that three learned gentlemen of the legal profession, *could* declare *that* to be law which the ablest jurists in the State, not to say United States, had assured me was *not* law. As the law of Christian equity and righteousness had proved ineffectual to the recovery of my rights so unjustly wrested from me, I was compelled, as my last and only resort, to try the efficacy of civil law, not even suspecting that by submitting the case to a reference, I should cut myself off from the protection of that very law on which I had placed my chief reliance, and which such able jurists had assured me could not fail.

Tuesday, the 24th of June, was the day appointed for the trial in the court house in Boston. A week or ten days before the time arrived, Mr. Curtis sent me a note informing me that his health was so feeble and his strength so prostrated, by his exhausting efforts in a protracted trial in the Circuit Court, that he could not argue my case, unless I would wait for him to recruit, and that he was going to leave the city that very day for the purpose of rest and recovery. As the referees had already appointed the day for trial, and the witnesses were in part summoned, I was obliged to relinquish his services, which I did with great reluctance, and to seek another counsellor. And I found an able one in the attorney-general, Clifford, since governor of the Commonwealth, as every intelligent man must admit, who either heard his argument, or has since read it, or shall yet read it, as most of it he will find in a future chapter. But he did not consent to take my case till he had spent some hours with Mr. Curtis, that he might ascertain his views of the subject.

On Tuesday, at 10 o'clock, the referees were seated

on the judge's bench, and the case was opened by Mr. Ely. In defence of his client Mr. Choate set up the plea of *privilege*; and that he might induce the referees the more readily to admit the plea, he must show that Dr. Adams had *probable cause* for saying and doing what was charged upon him in the writ. To accomplish this purpose, he proposed to introduce the Davidson story, on which I had been tried and honorably acquitted years ago by a most thorough and sifting trial in that very court house. To this course Mr. Clifford strongly objected, on the ground that the case had been adjudicated and settled long ago, by a verdict of *not guilty*, and that it was altogether unfair to bring up that matter, certainly not without giving us previous notice, that we might be prepared with rebutting testimony. But Mr. Choate argued that a verdict of not guilty often meant nothing more than an acquittal from *legal* guilt, while *moral* guilt still remained, and that clergymen, who had the honor and purity of the church and ministry in their keeping, were not bound to regard an acquittal by a jury as any convincing evidence of a man's moral innocence. Mr. Clifford then proposed to show the referees, by the testimony of Mr. George W. Bond, one of the jurymen who sat on my case, that I was acquitted on the *testimony*, and not on any *technicalities of the law*. But Mr. Choate objected to Mr. Bond's being admitted to testify; and finally, rather than have him testify, he admitted what we were going to prove by Mr. Bond. In his argument, however, Mr. Choate evidently forgot this admission. But he prevailed with the referees to give him liberty to go over that old disgusting story again. And when the referees gave him that liberty I felt that I had made a great *mistake* in consenting to a reference; for though the

gentlemen are undoubtedly honest and intelligent men, yet I was fearful that they were looking at this subject through the medium of prejudice. But keeping in mind the confident assurance which Mr. Webster and Mr. Curtis had given me, I could not believe that I was in danger of losing the case. I do not know what Mr. Choate would or *could* have done, if the referees had not allowed him to resuscitate that story, which had been dead and buried for six years; for even his prolific genius could find nothing new against me.

I shall take but little notice of, and make but few comments on, the testimony introduced during the trial, choosing rather, in order to avoid needless repetition, to refer the reader for information on that point, to the argument of Mr. Clifford. There are, however, two or three "remarkable incidents" which occurred during the trial, requiring special notice from me.

The correspondence between Mr. Adams and myself, published in 1846, and which has already been referred to, was brought before the referees, and an attempt was made by the counsel of Dr. Adams, doubtless at his suggestion, to turn it to my injury, especially the closing part of it, in which the committee of my church are represented as speaking of me in high terms of commendation. Dr. Adams seems to have taken it for granted that I was the author of that portion of the pamphlet, and that to prove the authorship on me, would show that I was an unscrupulous and vain man to pen and publish expressions so laudatory of myself. And when Mr. Calvin Walton, the clerk of my church and one of the committee who was appointed to add notes to the correspondence, was on the stand, Mr. Adams's counsel wished to ascertain from him whether or not he was not the writer of the last page. Mr. Walton

without hesitation, acknowledged that he was the author. And verily it was so. I never penned a word, nor attempted any dictation about the matter. And as Mr. Walton has since deceased, and as he was an unwavering and useful friend of mine to the last, I must be permitted here, out of respect to his memory, and as a public testimony of my gratitude for his services, to quote the closing part of the correspondence, which Dr. Adams expected to show the referees was written by me.

We have never yet seen any thing to impair our confidence in Mr. Fairchild, whom we have long known and esteemed. We have ever loved him for the uniform kindness and goodness of his heart, — confided in him as a neighbor and friend, — and we still honor and respect him as a minister of the gospel and an exemplary Christian, with an ardor undiminished, and a constancy unchanged. In the midst of his late severe trials and persecutions, when summer friends deserted him, and avowed enemies exulted in his supposed downfall, our confidence in his integrity was undiminished. And when the dark cloud which gathered around him and threatened to overwhelm him, cleared away, a thrill of gladness vibrated through our hearts, known only to those who have been restored to friends supposed to be dead, yet found to be alive again. We clearly saw that no guilt had been proved against him, and therefore felt bound to regard him as innocent, wondering how any human creature could have a heart to add another grain to his load of suffering, or inflict one fresh wound upon his wife and children. We deem him one of the most injured and persecuted clergymen which the history of this country can furnish. He has truly been hunted “like a partridge upon the mountains;” and this, too, chiefly by the professors of Christianity, which everywhere enjoins charity, kindness, and forbearance; and all because he will not acknowledge himself guilty of crimes which he never committed, and make “a confession to justify the opinions and conduct of those” who saw fit to accuse him, and who seem to act as if they thought that *his destruction* was necessary to *their salvation*.

But, thank God, he still lives and is again restored to us, and laboring among us with his former faithfulness and success; and we shall still cluster around him and sustain him “through

evil report and good report." Sink or swim,—come weal or come woe, we pledge ourselves to cleave unto him,—“his people shall be our people, and his God our God.” A kind Providence blessing us, neither he nor his family shall suffer from cold, or hunger, or nakedness. True, we are not rich; but we will do what we can. And we believe that there are sympathizing men and women of ample means and generous hearts, who will gladly supply our deficiencies. Here have we fixed our abodes in this world,—here have we erected our family altars; and with the broad ægis of the law around us, we would worship the God of our fathers in quietness and peace. Many of us were, through the instrumentality of Mr. Fairchild, aroused to a sense of our guilt as sinners, and were pointed by him to “the Lamb of God that taketh away the sins of the world;” and we still love to listen to the words of truth as they fall from his lips. It calls fresh to our minds scenes of joy that are past, and on which memory loves to dwell.

When Mr. Ebenezer Hayward, another of the committee, was on the stand, Mr. Adams’s counsel questioned him as to the author of the notes in the correspondence. Mr. Hayward replied that “he did not know the author or authors of them all; but he did know that Mr. Fairchild wrote the note commenting on a passage which Mr. Adams had quoted from the book of Job, in a letter to Mr. Fairchild.” As the authorship of that note was thus put on me, and as I have uniformly made it a point to own up, when justly accused, I will here insert that note. Mr. Adams, in his letter to me dated April 10, 1846, after exhorting me, if innocent, to “maintain an humble, quiet, steady course of labor for the good of souls, and leave myself to God,” immediately quotes the following text from Job:—“For remember, I pray thee, who ever perished, being innocent, or where were the righteous cut off?” On this I commented as follows:—

Does Mr. Adams mean to say that the innocent have *never* perished, and that the righteous were *never* cut off? It is in

deed true that the innocent have never perished, and the righteous were never cut off, if those who cut them off and caused them to perish are suitable judges in the case; for they never deem their victims either innocent or righteous, but always wicked and guilty. Were not Christ, and his apostles, and a multitude of martyrs, "of whom the world was not worthy," innocent and righteous? And yet they were cut off. And in later times, has not many a man been imprisoned and even executed upon the gallows, who was entirely innocent of the crimes for which he suffered?

But we thank Mr. Adams for this quotation. It was taken from the book of Job; and we should like to turn his attention to some things in Job's history as bearing a strong resemblance to some things in Mr. Fairchild's. It seems that Job had three friends who came to sympathize with him in his troubles; which reminds us of Mr. Fairchild's three friends who went to Exeter. Job's friends "sat down with him seven days and seven nights, and none spake a word unto him; for they saw that his grief was great." But the council at Exeter had hardly been in session *seven minutes*, before one of Mr. Fairchild's friends told them in effect, "that if they did not put him down, he would be a mill-stone about their necks." The friends of Job had previously made up their minds against him. Before they went to sympathize with him, they believed him a hypocrite, and guilty of the most "consummate wickedness," just as did Mr. Fairchild's friends. The first who spake, after their long silence, was Eliphaz the Temanite, in the language quoted by Mr. Adams, "Remember, I pray thee, who ever perished, being innocent? or where were the righteous cut off?" We will add another quotation from his speech; for he was evidently "testifying to his impressions." "They that plough iniquity and sow wickedness, reap the same. By the blast of God they perish and by the breath of his nostrils they are consumed." Thus we see how the mind of Eliphaz was warped by his previous presumption of Job's guilt. Then Bildad the Shu'ite addresses him in much the same strain. He tells him that "he is a hypocrite,"—that "his hope shall be cut off,"—and that "his trust shall be a spider's web." Then stood up Zophar the Naamathite and said, "Should not a multitude of words be answered? and should a man full of talk be justified? Should thy lies make men hold their peace? know thou that God exacteth of thee less than thine iniquity deserveth."

No wonder that poor Job, in the presence of such friends, appeared strange, and made an unfavorable impression on their

minds. He knew that he was not the man they took him to be. But all his solemn asseverations of innocence did not "remove their first impressions." At first he was as meek as a lamb, and as plaintive as a dove. But at length he grew restive and impatient under their false charges and pious cant, and addressed them in language so indignant and sarcastic, as made them quake and quail, and blush for very shame. He exclaims, "My brethren have dealt deceitfully as a brook, and as the stream of brooks they pass away. Ye dig a pit for your friend. Ye are forgers of lies. No doubt ye are the people, and wisdom shall die with you. But I have understanding as well as you. I am not inferior to you. Miserable comforters are ye all. If your soul were in my soul's stead, I would heap up words against you, and shake my head at you. Suffer me therefore, I may speak; and after that I have spoken, — mock on." What withering irony! What biting sarcasm!

Now Mr. Adams thinks that Mr. Fairchild cannot be a good man because he has shown such a spirit and temper in his writings. But would he cast Job out of the pale of his charity because *he* exhibited such a spirit and temper when replying to *his* sympathizing friends?

## CHAPTER XXII.

My committee, in their notes, took occasion to speak of the frequency with which they had seen it announced in the papers about that time that Dr. Adams had delivered several charges at the ordination and installation of clergymen. This fact suggested to the mind of Mr. Walton the idea of writing such a charge as Dr. Adams *ought* to give to the next candidate for ordination, if his treatment of me was in accordance with the requirements of the gospel, which charge he did make and

publish. And as the authorship of that charge has been put upon me by the friends of Dr. Adams, in the preparation of which I had no hand, and knew not that such a matter was in contemplation, till Mr. Walton read to me the manuscript, I will here insert it, as a specimen of his power in exhibiting truth in expressions of irony and sarcasm seldom equalled,—a power to which I make no pretensions.

## CHARGE TO A PASTOR.

*Suggested on reading the recent correspondence between the Rev. Messrs. Adams and Fairchild.*

MY DEAR BROTHER,—The experience of those who have gone before you, and who are your elders in the ministry, should not be lightly regarded, and to one point of great moment, and on which my own experience has of late been extensive, I would urge your particular attention. That point is no less than the purity of the ministry. Men are licentious. Ministers of the gospel are not perfect, and I grieve to say, that of late, many whom the world called good and great, and who have heretofore enjoyed the confidence of the churches, have fallen,—“fallen like Lucifer from heaven,” causing great scandal to the sacred cause in which we are engaged. Guard, therefore, the purity of the ministry as the apple of your eye. Should, at any time, a brother clergyman in whom you have confidence, be accused of licentiousness, no matter by whom, even by one whose whole life has been steeped in infamy, one who is all over festering with pollution, lend a willing ear to the scandal; leave no stone unturned to ferret out the truth, and be extremely careful to take counsel with the enemies of your brother; for enemies are quickscented in searching out the faults of those they would seek to injure; and in employing such, you run no risk of their endeavoring to gloss over his faults, but on the contrary, they will magnify his well meant, but unguarded actions and expressions, into sins of the deepest dye. Obey, by all means, the Scripture injunction, “Tell your brother his fault between you and him alone,” and should your brother be driven to the borders of derangement, on account of the enormity of the crime with which he is charged; if you discover any thing in his manner or conversation that does not correspond with your preconceived ideas of the manner in which an innocent man should act and converse; or if you see or hear any thing that gives

you an *impression* that he is guilty, let your *impressions* be like confirmations, "strong as proofs from Holy Writ," for a man may "look like the innocent flower, yet be the serpent under it."

Having received a deep *impression* of your brother's guilt, your duty is plain. It is a duty you owe to the ministry, and to the purity of the church, to pursue that brother with an earnestness that knows no abatement. You are to shut your eyes to all evidence of his purity, for if you once admit the possibility of his innocence, the immaculateness of your own judgment would be in jeopardy, and you would be compelled to make the always mortifying admission, that you had formed a hasty conclusion without duly weighing the evidence.

Should your accused brother be called before a council of his peers, to inquire into the charges against him, then neglect not to appear, and in the most solemn manner testify to your *impressions*, particularly if any of the members sympathize with him on account of his former good standing and usefulness; and doubtless your solemn manner and pious tones will confirm the wavering and convince the doubting; they will imagine that there is something more than appears upon the surface, something dreadful hereafter to be disclosed. If you pursue this truly *honest* course, your influence will be astonishing, and hereafter, no one accused, be he innocent or guilty, will have the hardihood to appear before a council where you are to testify, and in this manner all whose purity is suspected will be effectually silenced.

Be particular, in order to *impress* your accused brother that you are his warm friend, to sympathize with him and his family, exhorting him never to despond, assuring him that if innocent, the Lord will open a path for his escape; soothing him with the reflection that the Great Ruler of the universe will never forsake those who put their trust in him; that he will yet overcome his enemies and tread upon their high places; that although his enemies may appear for a season to triumph, yet "He who doeth all things well," will yet bring him forth from the furnace of affliction "as gold seven times purified."

Having gone thus far, it may so occur, that your brethren in the council may not all be so fully persuaded of his guilt as you are, and may not, after all, condemn him. In that case your position would be extremely awkward. And as innocent men, under trying circumstances, have been known to confess crimes of which they were not guilty, write him an artful letter, urging him to confess; throw out such inducements as will readily suggest themselves to a man of shrewdness; and if he con-

fesses, though innocent as the angels in heaven, your popularity will be certain; you will be honored as an instrument in saving the church from the foul reproach of having connived at sin, and countenanced iniquity in high places.

Should the council recommend him to appeal to the laws of his country, where a competent power exists to compel the attendance of witnesses, and elicit all the truth; and should your brother, on account of the deep conspiracy arrayed against him, or from any other cause, be fearful to meet his accusers face to face, your next most prudent course would be to manifest a strong desire that your accused brother may be found innocent; and to make your apparent hopes appear sincere, get some friend to urge him by all means to come to a trial; promising as an inducement, that whenever pronounced not guilty by a jury of his countrymen, you will most cordially receive him into fellowship, and joyfully be the first to welcome him to your pulpit. But if, upon his trial, it should appear as clear as the sun at noonday, that he is innocent of the crime charged against him, that an infamous plot, conceived in the minds of his avowed and bitter enemies had been laid to destroy him, — go not near him; tell the world that your strong *impressions* of his guilt still remain; that courts and juries are human and consequently liable to err; and that you cannot conceive it possible that a man, appearing as he did when denying his guilt, can be innocent; that no innocent man would pay hush money to a false accuser, and that time will yet develop something that will convince every unprejudiced mind that he is guilty of a longer and blacker catalogue of crimes than the most abject wretch that walks the streets.

If his friends, (for he may have warm friends still, who sympathize with him,) desire his resettlement in the ministry, your duty will be to prevent it if possible; for this purpose you will do well to oppose their organization into a church, should they desire it, which in all probability they may; and no matter how uncongregational it may appear, (for Congregationalism is a mere institution of men, and of minor consequence,) you may ask them if they intend calling this obnoxious brother as their minister. If the question is objected to, as out of order, no matter; oppose their organization into a church; vote against it, and you will have absolved yourself from any participation in the matter.

In the event that your brethren in the ministry should be so lost to deference to your opinion as to organize the church, congratulate yourself on your foresight, and leave no effort untried to throw obstacles in their progress.

After the obnoxious church has been formed, their next step will be to have him installed as their pastor. This you must oppose by all possible means. For this purpose busy yourself in endeavoring to prevent his instalment; and here you utmost foresight, cunning, and shrewdness, will be called in requisition. Throw out an insinuation that the instalment will never take place, get up a remonstrance, and go from one clergyman to another to procure signatures. Or, if you would not appear to take a too active part in the business, get the assistance of some sworn enemy to the suspected brother, who will doubtless do the running for you with swift and willing feet, and no doubt by this means you will be able to attain an array of names sufficiently imposing. If even this should fail, and the installation proceed, it will be something gained. You will have as many as sign the remonstrance to countenance you in your proceeding.

After the minister is installed, and the church is going on harmoniously, give no rest to the soles of your feet, till you have exhausted every possible means to throw obstacles in their path. If any members in your church should in an orderly manner seek a removal to the obnoxious church, you, as watchful guardian of their consciences, must be sure to make every possible objection; for if your church should give a letter in the usual form, it will be construed into an acknowledgment of the good standing of the clergyman, and regular standing of the church, which is by all means to be avoided. To accomplish your object, it might be advisable to institute a scrutinizing investigation of the character of their pastor; and should he be a man advanced in life, and had difficulties in places where he has previously labored, difficulties which occurred many years ago, with the obscurity of time hanging about them, ferret them out, — write letters from Maine to Georgia; compass sea and land to obtain somewhat against him. If any should suggest that such a course would harrow up the feelings of his family and friends, never mind, leave such weakness to women and children. What has inflexible duty to do with sympathy? Acquit yourself like a man, and if, in so doing, you only injure yourself, and are left standing alone; still there is something grand and glorious in becoming a martyr to truth and uncompromising justice. Amen.

I hope my reader will excuse me for what may seem to him a digression, and now return with me to the court room, to witness another "remarkable incident."

in the testimony there introduced to destroy me. After the trial had been progressing till near the close of the third day, Mr. Hubbard said to Mr. Clifford that he had several anonymous letters in a disguised hand, addressed to Mr. Adams and others, which he proposed to introduce into the case. Why he delayed their introduction to that late hour, is a matter best known to himself. I cannot, however, avoid the suspicion that he kept them back from a consciousness that his knowledge of my handwriting would not justify him in the attempt to have them sworn on me. But as nothing new could be brought against me, he at length ventured to introduce them, doubtless hoping that they would be sufficient to show the referees that the author of such indelicate letters, especially the one to Dr. Adams, was not a fit person to teach morality and religion to mankind. He told Mr. Clifford that certain experts were ready to swear those letters on me as the writer. As he said he had no wish to take Mr. Clifford unawares, he offered to let him see the letters if he chose. And so Mr. Hubbard promised to take them to Mr. Clifford's room at the Tremont House that evening; and Mr. Ely and myself were requested to be present. Mr. Hubbard brought in the letters and laid them on the table, and immediately withdrew.

As soon as Mr. Clifford had opened the letters, and spread them out, I recognized in a moment that they were in the handwriting of Rev. E. G. Wells, an aged and eccentric clergyman, who had written me some years before, two or three letters on business from Pittsburg, and that there was not the least attempt at disguise. The handwriting was so peculiar, that no one who had seen it once would be likely ever to mis-

take it afterwards.\* Mr. Wells had a son then residing in Boston, on whom I called the next morning, and

---

\* That the reader may see the striking dissimilarity between the two hands, the accompanying *fac-similes* are presented as fair specimens. It would have been gratifying to present a fac-simile of one of the letters produced in court; but as those letters were withdrawn from the case and taken care of by Dr. Adams, they are beyond my control. I have given the following specimen of the handwriting of Mr. Wells contained in a note from him which I happened to have in my possession. That the reader might see at once the little resemblance of the two hands, I copied with my own hand, the note from Mr. Wells; but as the lithographer had not time to complete his work before the printers needed it, the last three words are wanting.

*You know, that I have  
been acquainted with  
the interior, as well  
as exterior of the  
"Theological Seminary"  
at Andover, from its  
origin?*

You know that I have been  
acquainted with the  
interior, as well as exterior  
of the Theological Seminary  
at Andover

told him what Mr. Hubbard was about attempting to accomplish by means of his father's letters. He informed me that his father was in Philadelphia, and that he had recently received two or three letters from him, which, at my request, he took to Mr. Clifford's room. And when they were opened and placed on the table by the side of the anonymous letters, there could be no mistake as to the writer. Now there was no harm in the bare fact of having written anonymous letters. It was the *character* and *design* of the letters which the opposing counsel meant to use to my injury. And one of the letters addressed to Mr. Adams was such a specimen of indignant rebuke expressed in no very delicate or courteous terms, as might well cause him to blush for shame at his fraudulent attempts to fasten on me the guilt of having contracted by my vices, an infamous disease, — and such a specimen, too, of low and vulgar wit, as would have given Mr. Choate a fine opportunity, which he would doubtless have improved, to show the referees how preposterous, — how demoralizing, — how shocking, — how abhorrent to the pious feelings of all good men and good women, that a man should be allowed to preach the pure gospel, whose thoughts ran in such an impure and filthy channel! And so Mr. Hubbard brought forward the letters, and Messrs. Gould and Smith, two professed experts, were placed upon the stand to swear them upon me, notwithstanding Mr. Clifford had given them previous assurance, and also Mr. Hubbard, that he could control those letters, and show clearly that they were in no sense mine. But his words seemed to them as idle tales, and they believed him not. These experts were on the stand for hours, having in their hand an acknowledged letter of mine, and comparing it with the anonymous letters, pointing

out the similarity between mine and theirs, comparing every letter in the alphabet from A to Z, expressing their full belief that one hand, and that hand mine, had written them all. Mr. Wells, having been summoned by telegraphic despatch from Philadelphia, had arrived in season to give his testimony. And just as the referees had admitted the anonymous letters into the case, Mr. Wells was summoned on the stand to give rebutting testimony. And as his manner of testifying will show the reader the peculiarities of the man, I will here give as much of his testimony as is needful, in his own words. Mr. Ely having put the letters into his hand, proceeded to question him, as to his knowledge of the letters and their author. He replied in these words: "May it please your honors, to use a term very familiar in relation to this case, I acknowledge the paternity of these letters without any aid from man, woman, or child." When Mr. Hubbard asked him, in his cross-examination, whether he had not consulted me on the subject, and received from me assistance or advice, he said, "I ask no man under seventy years old, what I may write, or when I may write, or to whom I may write." I will notice only one more question. Mr. Hubbard asked "why he wrote those letters?" He replied, "I wrote them for two reasons. In the first place, from a sense of duty to my heavenly Father; and in the second place, from a sense of duty to the Rev. defendant here. I felt it to be my duty to admonish and rasp that man for his abusive treatment of Mr. Fairchild." Now I think that no reader will say that I err in calling this "a providence of God." Where was it ever before known that the writer of an anonymous letter under such circumstances, was ascertained, and his presence secured, to acknowledge the fact? And if

it had not been so in this case, the reader can well imagine what must have been my fate. The referees would doubtless have admitted the testimony of these experts, and with them it would have weighed heavily. "But the snare was broken, and I escaped." Now I venture to assert that no two handwritings could be found in all Boston more dissimilar than mine and that of the gentleman who wrote those letters; for he did not attempt to disguise his hand, but wrote just as he always writes, only omitting his signature. And yet Mr. Adams was willing to have them sworn upon me, having been familiar with my handwriting for many years! and who must have known, as it seems to me, my utter inability to write such a hand! Besides, those anonymous letters, as Dr. Adams well knew, were written in different months and different years. And yet they were all written in precisely the same uniform hand; whereas no person who undertakes to disguise his hand, would be likely to have that uniformity, even if all were written the same day. The adventurous introduction of those letters into the case, and the rash testimony as to their origin, strikingly illustrate the formidable power of prejudice, so often my lot to encounter in the progress of this whole affair.

I must say one word here in relation to those experts. I never had any previous acquaintance with them. They were never even known by me till I saw them on the stand. But they are said to be very respectable and honorable gentlemen; and I would not detract a single particle from their respectability and honor. But I did think that when they saw how mistaken they were in their testimony, and how they had put me in jeopardy, they would have been magnanimous enough to offer to pay the expenses of summoning the witness from Phila-

delphia, and of his attendance in court, all of which amounted to about thirty dollars. I have made personal application to each of them that they would, as a mere matter of equity and charity, consider the dangerous position in which they had placed me by their mistaken testimony, and refund, at least, a part of what they occasioned me, in my poverty, to pay. But they seemed not to consider themselves as at all indebted to me. Perhaps they thought that I was indebted to them for having henceforth deprived them of their occupation as experts. However this may be, it seems to have been my fate to pay people for their attempts to crush and ruin me. But I believe it will be admitted on all hands, (especially by those of my fellow-citizens who have suffered so grievously from this source,) that I have done the public some service in showing how little dependence can be placed on the judgment of experts; and I trust that the experts themselves will, in future, be a little less confident, and a little more modest in their pretensions.

I shall say nothing more with regard to the testimony, but leave that matter wholly to Mr. Clifford, whose argument is now to be submitted to the examination of the reader

## CHAPTER XXIII.

**MR. CLIFFORD's argument in behalf of Mr. Fairchild, delivered before the referees, July 24, 1851.**

**MR. CHAIRMAN AND GENTLEMEN,**—If, in the present state of my health, I supposed that the interests of my client, or the ultimate decision of this cause, depended upon my efforts, I should feel constrained to ask for a still further postponement, in order to reply to the elaborate argument of the learned counsel for the defendant, to which we have listened during the past two days. But I am happy to believe, in view of the precise issue between these parties, that a considerable portion of that argument requires no answer at the plaintiff's hands. Before proceeding to the discharge of my duty, with respect to those portions of the argument which do demand a reply from the plaintiff's counsel, it is proper for me to remark that it was only at a very late stage of the case, and then with the extremest reluctance, that I became at all concerned in these proceedings. When first applied to, at a very recent period, I peremptorily declined, on account of other engagements, with which a proper attention to this case would necessarily interfere,—and it was not until, by a conference with the able and eminent counsel originally employed (B. R. Curtis, Esq.), who was unfortunately compelled, by failing health, not only to relinquish this case, but to suspend for a season all professional labor, I became so convinced of the cruel wrong and injustice done to the plaintiff, that I could not refuse him my services; and at no little inconvenience to myself, consented to assume my present position. My only concern now is, that my client may be the sufferer by the change, and that it would have been better for him if I had adhered to my original determination. But in that respect, I trust I may confidently rely upon this tribunal, that no errors or omissions of the plaintiff's counsel will be permitted to prejudice him or his cause.

**Mr. Chairman,** it is a little singular, in view of the learned counsel's eloquent invective on themes not involved in the issue presented by the pleadings on the records before you, and of

the time he has occupied, professedly for the purpose of establishing "probable cause" for the defendant's belief, but in reality to prove the plaintiff to have been guilty of the crime originally charged against him, — that all this eloquence and learning should, by the merest chance in the world, be displayed here in the service of the defendant, instead of being employed in maintaining the rights of the plaintiff. For if the testimony of the Rev. Mr. Buddington is to be relied upon, and if there was no misapprehension on the part of the defendant, of what had taken place between the learned counsel and the plaintiff prior to the commencement of the action, the latter might well have supposed that his suit was prosecuted under the sanction and counsel of the learned gentleman himself. Mr. Buddington testified, it will be remembered, that the defendant informed him, in substance, that the plaintiff had consulted with Mr. Choate, and that the latter advised with him, respecting his right of action against the members of the South Suffolk Association; but as the plaintiff did not intimate that he should bring his action against the defendant alone, when he finally determined to take that course, Mr. Choate considered himself absolved from any professional obligation to him, and was free to be retained against him, — and that by this piece of *finesse*, in suppressing his real purpose, to bring his action against one of the members of the Association severally, instead of suing them all collectively, he had lost the services of Mr. Choate. This, he added, the reverend defendant regarded as a special providence. However this may have been, and while it does not become me to pronounce upon another's standard of professional obligations, I think it may well be questioned whether, in this instance, the *finesse* was in the client or the counsel, — whether, when the counsel have advised with a party respecting his cause of action against A., B., and C., and subsequently elects to bring his suit upon that cause of action against A. alone, the professional obligations arising out of the consultation are any less binding than if he had brought it against them all.

If, as is now contended, the eminent counsel, under whose directions this suit was instituted, misconceived the plaintiff's remedy, and should have brought his action for a conspiracy against all the members of the Association, instead of suing one of them for a libel, I submit that the defendant has no occasion to complain upon grounds so purely technical as this. If the form of action has been thus misconceived, it has given the defendant the immense advantage of bringing his coconspirators

upon the stand as compurgators and witnesses, — an advantage he could not have enjoyed if the actions had been brought against them jointly for a conspiracy. But I submit, with confidence, that this position is entirely unsupported by the authorities which have been cited by the learned counsel, and I merely advert to the subject now, in order to justify myself to my client, for not, in this wilting and withering atmosphere, answering at length the argument which has been attempted to be constructed upon these authorities.

Another portion of the argument deserves a passing word. We heard it urged for two hours yesterday, that the plaintiff had so deputed himself as to furnish the defendant reasonable ground to believe that the original charges against the plaintiff were true. I will not argue that. I take those charges to be *res adjudicata*, and that they have been set at rest. If this were otherwise, and if the defendant meant to set them up in this suit, he was bound to give us notice. It was not done. And it is not on these pleadings, in which the truth of the charge is not alleged by the defendant, or even his belief of their truth, as his justification, that he can be permitted, by any indirection, to rely upon this ground of defence, or call upon us to answer an argument upon it.

We start, therefore, may it please the referees, appealing to your judgment, as a court of law, on these specifications, with the position that the plaintiff is innocent of the charges on which a vote of the Association purports to have been founded, and also of any such conduct as could give the defendant reasonable ground to charge himself with guilt. I do not stop to inquire whether the defendant's alleged convictions, from what he knew or what he had heard, were sufficient to satisfy his own mind of the plaintiff's guilt; the real question is, whether such convictions are a sufficient justification for that action by which, in the face of evidence entirely conclusive to other minds, he has assailed the reputation of a fellow Christian, a fellow minister, a fellow man!

I agree with the counsel for the defendant, that there is an interest at issue here, far transcending in importance the result of this case to either of these parties; and yet I ought hardly, perhaps, to say *that*, in view of its consequences to the plaintiff. If the plaintiff be, as we submit he is, an innocent man in all this matter, there stands not upon the footstool of the whole earth a being more persecuted and injured, than he has been by the defendant, and those who have acted with him. Not one! Holding towards his fellow men a relation the most of all re-

quiring the strictest observance of morality and propriety in deportment; of an age to look not only upon his children, but upon their children; for the better part of sixty years a zealous laborer in his Master's vineyard; beloved and still trusted by his class mates and youthful friends, as well as by the pious and venerable associates of maturer years; is it credible that through all this, his life has been a living lie? that he has played the hypocrite to his neighbor, the traitor to his friend, and, worse than all, has dared to pollute with foul hands the altar of his God? If so, there have been few like him in guilt. If not so, no one like him deserves the sympathy and commiseration—to say nothing of the justice—of his fellow men.

But still I agree that there are general public considerations of the greatest importance involved here. The question is, whether a man who may have fallen under suspicion from his imprudences, or his follies even, and has submitted himself to the terrible ordeal—terrible even for the innocent—the fearful appeal to a judicial tribunal upon a criminal accusation, and has been acquitted of all charges against him,—whose innocence has received the attestation of a judicial verdict,—the question is, whether such a man can be afterwards rightfully and justly treated as though he had been found guilty. That is the point, and it is a point of infinite importance. “Why?”—it is said on the other side,—“because a man has been acquitted on the legal ground of reasonable doubt of his guilt, shall those who entertain sincere convictions on that point, discard them because of that acquittal?” No, gentlemen, we do not ask that. But we do ask that they shall not act with respect to that individual, before the world, upon their own private opinions, in the same manner as though his guilt were clearly proved. If the contrary is to be the rule, as would appear from the whole course of the defence, let me ask who of our profession can urge upon the community respect for the law, or quiet submission to the law, even when its enactments come into collision with all their moral sympathies? What, in that case, could induce a man to go before a court, to seek an adjudication of his controversies, or a judgment upon the question of his innocence or guilt? If he is to be treated precisely the same, whether convicted or acquitted, his natural instincts will rise up against the injustice, and say, “No,—I will not run the risk of conviction, though I know myself to be innocent, when, through mistake or casualty, I may be adjudged guilty, and when, even if acquitted and proved to be innocent, I shall be

restored to no rights and regain no reputation." Mr. Chairman, it is not enough for the defendant to set up, as his counsel has attempted to do, a distinction between the plaintiff's rights as a citizen, and his rights as a clergyman. His rights are his rights, whether in the one or the other capacity, or in both combined. And it is but adding insult to injury, to say that while you assail the one, you respect and leave untouched the other. I would ask those of the defendant's profession who justify his course, — I would ask the reverend defendant himself, — how, even with his contentious conscientiousness, he can urge upon his flock the precepts and example of that Great Master, whose servant he professes to be? We are not without an authority upon this point, in a case even of known and admitted guilt. In the history of our Lord, in that memorable interview with the repentant Magdalen, where, when the accusers had all gone out, one by one, and left him alone with the woman, he asked, "Doth no man condemn thee?" and being answered, "No man, Lord," what was the response of that divine charity which was given to us for an example? "Neither do I condemn thee, — go, and sin no more." I ask the reverend defendant here to review in the light of this great example, his own conduct towards the plaintiff, his "*dear, dear brother*," as he called him in the Marblehead letter, long after, as he now contends, he believed him to be the guiltiest of men. Did he say, in the spirit of his Master, or act as if he could say, "neither do I condemn thee, — go, and sin no more?" O no! His meek Christian spirit, as evidenced by his conversation with Mr. M. H. Smith, finds expression rather in a sentiment like this, "Though no other man condemn you, — though juries may acquit, — though councils may install, — though churches may call, and clergymen may fellowship you, — no evidence *can* change my convictions, — none *shall* change my conduct towards you. My foot is upon your neck, and I will keep it there so long as we both shall live."

Mr. Chairman and gentlemen, I do not believe that such a spirit as this is in harmony with a true Christian morality, any more than its exhibition in the defendant's conduct towards the plaintiff is consistent with the law of the land. I cannot believe that such is the spirit of the denomination of Christians to which both the plaintiff and the defendant belong. No! I have had too many friends in that denomination whom I have honored and loved, to believe that such a spirit is the legitimate fruit of the tenets they profess to teach. When I remember him whose benignant countenance and majestic presence I love to associate

with the bench on which you sit,—the honored kinsman of my friend, the junior counsel for the defence, the late Judge Hubbard, "*clarum et venerabile nomen*;" when I call to mind his clustering virtues, and brightest among them all, his large and liberal charity, and reflect that it was nurtured in *this* "school of the prophets," to which he was so devotedly attached,—I know that there can be nothing in the Orthodox Congregationalism of Massachusetts, which can either foster or justify such a spirit of relentless and implacable persecution as this case has exhibited on the part of the defendant.

But I must proceed to say a few words respecting the duty of the plaintiff to institute this suit, preliminary to a consideration of the questions of law involved in the case, and of the authorities adduced in support of the ground taken on either side.

As this case must ultimately turn, as I apprehend, mainly upon the view which your honors may take of the law which governs it, I deem it proper to say, in behalf of the plaintiff, that he commenced these proceedings under the advice of the most distinguished, discreet, and able counsel, not only of this Commonwealth, but of the country. He was under a sort of moral necessity to take some step that might compel this defendant and his associates to do him justice.

Indeed, what could he do? What could any lawyer advise him to do? Submit to the stigma of *that vote*,—to be for ever perpetuated,—to be cast in the teeth of himself and his children,—to constantly cripple his efforts as a clergyman,—to furnish a never exhausted argument to the scoffer and the sceptic against the cause of religion and the church of Christ: to do all this, or to suffer himself to be driven out from his Master's vineyard, to perish infamously by the poison of an unjust and false accusation, aggravated by the taunting assertion that he had not the courage and confidence to challenge or confront it! If he had been a guilty man, he would have done this. He would not have dared to do otherwise,—and no lawyer would have advised him to do otherwise. He would not have been before you to-day. He would have regarded his acquittal by the jury as a fortunate escape from the penalties of the law,—and you would never have heard of him adventuring again into a court of justice. No, gentlemen! I submit that his firm, earnest, and constant efforts to vindicate his reputation against the calumnious record of the Suffolk South Association, his bringing this suit, his presence here to-day, afford plenary evidence that he is an innocent and calumniated man.

Suppose that he had quietly sat down without these efforts to remove the stain upon his character! What would have been the judgment of that large body of the Orthodox clergy of New England who have solemnly attested their belief in his innocence, and their conviction that he "is and of right ought to be," a recognized minister of the gospel, in good and regular standing?

Would they not very justly have said to him, "You have our cause as well as your own to maintain; you owe it to us to show the world that we have not given our confidence and fellowship to a guilty and unworthy brother?"

Permit me to quote in this connection the language of the great Edmund Burke — great as a moralist as well as a statesman — as expressing the true distinction to be observed by a wise man respecting libellous attacks upon his character. These are his words: "Loose libels ought to be passed by in silence and contempt. By me they have been so always. I knew that I could live down the calumnies of malice and the judgments of ignorance. If I happened to be now and then in the wrong, as who is not, like all other men, I must bear the consequence of my faults and my mistakes. The libels of the present day are just of the *same stuff* as the libels of the past. But they derive an importance from the *rank of the persons they come from*, and the *gravity of the place where they were uttered*. In some way or other, I ought to take some notice of them. To assert myself thus traduced is not vanity or arrogance. It is a *demand of justice*; it is a *demonstration of gratitude*. If I am unworthy, the ministers are worse than prodigal."

Gentlemen, my client might well use the word *ministers* in a different sense, and apply these remarks to his own case; for certainly if he were unworthy, the very many eminent ministers of his denomination were worse than prodigal in their kindness and sustentation of him. He might well apply to himself another rule of duty which Burke recognized. "Whilst I humble myself before God," he says, "I do not know that it is forbidden to repel the attacks of unjust and inconsiderate men."

The plaintiff is, then, before you in the discharge of a plain and manifest duty. A duty to himself, to his own reputation, which he is as much bound to defend and protect from unjust aspersion, as he is bound to protect his person and his life, — duty to those who are dearer to him than life, and who are looking with unutterable solicitude, yet with a hopeful confidence to your judgment this day; — duty to the church and to that great cause for the advancement of which the church was estab-

lished, and for which alone it exists — namely, the cause which was proclaimed by heavenly heralds at the birth of its founder — “Good-will towards all men.” Yes, good-will! Not that harsh judgment and pharisaical uncharitableness which says even to an erring brother, “stand aside, for I am holier than thou!” A duty, too, to those venerable and pious men of his own order, who have upheld him here; — duty to those humbler but true-hearted friends and parishioners, who have stood steadfastly by him in the darkest and saddest hours of his dark and sad experience of life; — and above all, a duty to the law, which, while conceding to this defendant and those who act with him, the right to their own opinions, and the unchallenged control of their personal associations, should teach them that, in their outward conduct, as it affects the rights of their fellow men, its voice once uttered through its constituted organs, must be treated by them as well as all others, with some degree of deference and respect!

For *what*, then, is the plaintiff here? It is perfectly true that your award can only be an expression of your opinion whether the defendant has done that injury to the plaintiff which is charged upon him, and if so, to render a judgment of damages against him; but it is not for money that the plaintiff is here. Nor is it in a spirit of contention or litigation — he has endeavored to avoid that — nor to impose himself on the defendant’s fellowship — he does not desire that. Once for all, in behalf of my client, and under his instructions, I disclaim the imputation cast upon him that it is money he seeks. — except only so far as it may be necessary to indemnify him for the expenses he has been compelled, by the obduracy of the defendant, to incur in obtaining simple justice. True, by this long and relentless persecution — more cruel and pitiless than any man ever bore from *Christian* men — he has been utterly beggared. But he is here for a higher and worthier purpose. He is here to obtain in the only possible way open to him, so far as I know, a rescission of that false and calumnious vote which the defendant and his associates first placed on their records, without right, and against the truth; and which they have persisted in keeping there against every remonstrance and appeal that could be addressed to right-thinking and right-hearted men, — a registered and perpetuated falsehood!

And, secondly, he is here to repel, in the only way in which the course of the defendant will permit him to repel it, the foul and false aspersion cast upon him of having been the subject of a loathsome and criminally contracted disease, — which the

witness, whom the defendant once invoked as the only competent person to prove the truth of the assertion, had, to the defendant himself, declared to be unauthorized and untrue.

Well, Mr. Chairman, how is he met? In the first place, by the statute of limitations. They contend that it was more than two years from the time of the vote before the action was brought, and that therefore they are not liable. And the learned counsel has argued at length the wisdom of that legislation which has established a limitation of time within which such an action as this must be brought. I am not disposed to controvert this opinion,—I agree to the wisdom and expediency of such a limitation; but, in this particular case, I confess I was a little surprised to find such a shelter from responsibility resorted to. If I had not been instructed to the contrary, by the course which this defence has taken, I should have entertained the opinion expressed by the Rev. George Allen, in his letter to the Association, advising them to rescind the vote, because, said he, "Notwithstanding the lapse of time, it is not probable that with men like you the statute of limitations will be set up." Still they have a right to this defence if it will avail them; but I maintain, that within the two years before bringing the action,—so late, indeed, as the 3d day of July, 1849, there was a republication of the vote, and a repetition of the verbal slander.

But that is not the only ground of the defence. They take another; and upon their successful maintenance of it, much, I am aware, depends. In my judgment it is a ground of defence, without support or countenance, either in the law of the land, or the principles of a true Christian morality. They set up the doctrine of PRIVILEGE! They claim that they are *privileged* to say and do all this that they have said and done, wholly irresponsible to any authority, or any tribunal, except their own consciences. Now, if they cannot maintain this startling proposition, they have no defence whatever. If they can, then indeed is the law no longer the protector of any man's reputation who happens to be, or to have been, a member of a voluntary association, against the attacks which a "malignant philanthropy," or a misguided conscience may make upon it.

Why, Mr. Chairman, look at it a moment. Here is an association of some twelve or fifteen very respectable clerical gentlemen,—I will not call them a *club*, for that term seems to be distasteful to the learned counsel,—here they are claiming to be governed by no such code as controls the conduct of other men. They appeal to the "higher law." Like the Fifth Monarchy men, so felicitously alluded to by Mr. Webster, in

his recent admirable speech to the young men of Albany, they are "above ordinances." Like the "conscience" men described by the learned counsel himself, in the last edition of the "Cambridge Platform," laid down by him in his eloquent address before the Story Association, less than a week ago, "their doctrine is the same as that which kindled the fagots of Smithfield, and justified the atrocities of Alva." Like the men of Judah, whom we read of in the Book of the Prophet, they attempt to shelter themselves from the penalties that attach to their conduct, by exclaiming, "The Temple of the Lord,—the Temple of the Lord are we." "We are delivered"—privileged, that is—"to do these abominations." But, Mr. Chairman, I do not find that the inspired old Prophet, who evidently had very little respect for this plea of privilege, was any the less stern in his rebuke of those who advanced it. And I trust, that by *your* judgment upon it, these learned and reverend gentlemen will discover that they are amenable to the same law as their lay brethren, in what concerns the rights of their fellow men. This is all we ask.

Mr. Chairman and gentlemen,—Let us see what this law is. I take the position that, as a voluntary association, having no disciplinary authority over its members, while they had the right to expel the plaintiff or withdraw fellowship from him, with or without reason, they had no right, upon any ground of privilege, to place upon their records any imputation upon his character as a minister or as a man, unless they were prepared to justify it by proving it to be true. There is no adjudged case in which the vote of an association on its records has been held to be a privileged publication, except the Quaker case cited by the defence; and there, the alleged libel was a mere matter of church-discipline, not at all affecting moral character. It is enough for us to call on the other side to produce a case where any voluntary association has placed on its records charges against the moral character of another, and escaped accountability on the ground of privilege. After the member is expelled, the rule of privilege has ceased to operate. The reasons which have induced the vote, are not necessary to be recorded to give it effect. It is a very different question, whether the communication of those reasons by the defendant in good faith to the association, to induce its action, he believing them to be true, shall be taken to be a privileged communication, or whether the placing them upon the record after the action of the association has been had, may be done with impunity, even though they shall turn out to be unfounded and

**false.** The requisite action having been taken, what need to go further in the discharge of any supposed legal or moral duty? Suppose the defendant, on his return from Exeter, had communicated to the Association such circumstances as convinced him of the plaintiff's guilt, and as he might have thought it his duty to do in order to procure a vote of expulsion, and that thereupon action was had? If this were a privileged communication, it by no means follows that the preamble and vote which we complain of could be treated as such. Still less can the acts of the defendant to perpetuate them there, after they had been shown to be false, be so regarded.

Mr. Clifford now proceeds to the consideration of the questions of law involved in the case, which I feel compelled to omit for want of room; and not finding, in all the cases examined, the slightest foundation on which to rest the plea of privilege, he goes on to show what is the ecclesiastical law in the case.

It is contended by the defendant's counsel, first, that this privilege is incident to the character and nature of the association. This I deny upon the ecclesiastical authorities, which define the powers of these associations, and upon the constitution and by-laws of the Suffolk South Association itself. And, second, it is contended that the plaintiff expressly submitted himself to the jurisdiction of the association in this matter, and is therefore estopped from denying their right to do what they have done. This also I shall deny, upon the evidence.

And, first, what is the nature and character of the functions belonging to the association? It is argued that judicial authority appertains to them; but what say the authorities?

I read from *Punchard's View of Congregationalism*, p. 115. "The objects of ministerial associations are personal improvement, the cultivation of brotherly kindness, and to assist each other, by counsel and advice, in discharging ministerial and parochial duties."

And on page 195, after describing the various classes of clerical associations, it is especially stated, in reference to all of them, "these general associations, *et cetera*, claim no legislative or judicial authority."

In *Upham's Ratio Disciplina*, p. 156, under the head of "Relations of Clerical Associations to Churches," it is said — "The General Association of Massachusetts, at their annual

meeting in 1807, expressly and wholly disclaim ecclesiastical power or authority over the churches or the opinions of individuals."

Moreover, its own constitution and by-laws are conclusive evidence of the extent of the authority of this particular association over the plaintiff, who had assented to them, by signing them when he became a member of the body. I refer to them as expressly excluding such a conclusion as is sought to be derived from the nature and usages of these associations generally.

Their own records, too, negative the claim. On page 339, October, 1849, it is recorded, "that they have no ecclesiastical authority, and cannot restore him." He must come in by some other way; he must find some other door into the sheepfold; he can only be restored, they say, through the action of the Exeter Council. But upon the authority of Dr. Beecher's report, in the case of the council at Reading, which has been referred to, and upon the testimony of Rev. Professor Stuart, that council, having made no provision for its reassembling, *functus officio*, and could not, according to ecclesiastical usage, be reassembled to act upon the matter of the plaintiff's restoration to his ministerial office. The result of all this is, that this association may publish the plaintiff as a man guilty of infamous crimes, place that declaration on record, and then expel him; and that, after this, even upon plenary proof of his innocence, there is no way by which he can be restored to the rights of which he has been unjustly deprived. The vote cannot be rescinded till the plaintiff is restored; — second, he cannot be restored except on the reassembling of the Exeter Council; and, third, the Exeter Council never can reassemble! How utterly hopeless, then, to expect redress, or dream of justice! No — there the stigma stands; there the wrong is recorded; and there it must remain forever! Gentlemen, is it necessary to argue that this outrageous doctrine is utterly opposed to the whole ecclesiastical polity of Massachusetts? Are words required to expose the preposterous character, and the enormity of this assumption; — an assumption which, to hear it put forth would have almost made the old puritan prophets start from their moss-covered graves!

Not one of the cases which the learned counsel has adduced in support of his position has any real application to the circumstances here. Admit the authority of them all, they do not sustain his position. The only one which could be regarded as having the slightest bearing, is the Quaker case — *King* —

*Hart* ; but there the plaintiff's character was neither assailed nor touched. It was a mere question of discipline. She was a Quakeress, and by the rules of the sect of which she was a member, and to whose discipline she had submitted, she was adjudged, and the judgment was entered on their records, — guilty of "not having practised self-denial." No sin was charged upon her ; no reproach cast on her character ; — but the whole of the alleged libellous action was, that "she had not practised self-denial."

The case of Sir John Moore was that of a sentence by a court-martial, and has no analogy here. And I hardly think my learned brother could seriously cite, as an authority, the case of *Furnsworth v. Dr. Storrs*. A question of privilege was raised there, it is true ; but the case was decided, as I understand it, upon grounds which do not touch the question before us.

The case of *Remington v. Congdon*, in 2 Pick., decides only if the party voluntarily submits to the jurisdiction of the church, association, or society, its proceedings are privileged, if conducted in good faith, and without actual malice. The counsel relies much on this authority. Very well, we will take that case ; but I claim at least, and the Supreme Court of Massachusetts never meant to rule otherwise, that the party shall be heard before being condemned. "Strike, but hear," was the heathen's idea of justice ; shall any thing less be required from Christian men, — from Christian clergymen ?

I shall also maintain, may it please the referees, that whatever view may be taken of this matter of privilege, as claimed on behalf of churches, or other ecclesiastical bodies really possessing authority, or acting as advisory to the churches, it cannot be made to apply to this association, or other bodies of the like nature. And in this connection I wish to offer some observations on the ecclesiastical polity of Massachusetts, bearing upon the question, which I am enabled to do through the kindness of a learned and reverend friend, and which I make part of my argument.

Granting these claims to be well founded, in regard to *judicial* bodies, whether civil, military, or ecclesiastical, it will be seen that exactly the reverse is the fact in regard to these associations. Jurisdiction of every kind, whether in respect to ministers or laymen, has always been denied to clerical associations. The Cambridge Platform of 1648 excludes it by first principles, — totally excludes it. It claims, as an elementary truth, the exclusive right of *the church* to call and depose from office, —

which latter act includes concomitant censure. It provides expressly the mode by which the church, and the church only, may censure or depose an elder, *i. e.* a minister, — namely, a council of the churches advising thereto. Had a mere association touched so much as the hem of an official garment, or even presumed to interfere with the Christian standing of one of the laity, it would have kindled the indignation of all the churches. There was not only a general agreement of feeling in this matter, but a wakefulness of sensibility which seems to throb in the early writings of the New England Puritans on ecclesiastical polity.

But about the beginning of the last century, Cotton Mather, and a few others, who were probably influenced by him, ventured to attempt an innovation on the settled polity of the churches of Massachusetts; their plan was to invest local ministerial associations with juridical powers, by uniting with them lay delegates from the churches with which the ministers in those associations were connected. But the project was so frowned upon by the churches and ministers generally, that the authors of it were glad to hush up the trouble by dropping the scheme at once. Thus the matter rested till early in the present century, when Drs. Morse of Charlestown, Lyman of Hatfield, and a very few other ministers with them, revived the scheme of Mather, and presented it to the General Association of Massachusetts, — which body appointed a committee to report thereon at the next annual meeting. This second attempt was frustrated by the same general spirit of opposition from the ministers and churches throughout the State.

A third effort to place judicial power in the hands of local associations was made in 1845, by a committee, consisting of Rev. Dr. Woods of Andover, Rev. Parsons Cooke, of Lynn, and some others, who had been appointed (at a meeting of a number of clergymen held in Boston during anniversary week) to report a reaffirmation of the principles and plan of Congregational discipline. Their report — professedly “in part” — was first sent, unknown to the churches, to the local clerical associations throughout the State; and so general and emphatic was the opposition of those bodies to the revived scheme of associational jurisdiction, even with a mixed representation from the churches, that any overt measures to give it effect have not again been tried.

The entire history of Congregationalism in Massachusetts, as well as its first principle, is adverse to the idea of a *trial* of any church-member, whether lay or clerical, by an association.

This history, one would think, is too well known, in the general, to need particular citation. Whoever has read Hutchinson's "History of Massachusetts," Trumbull's "History of Connecticut," the "Cambridge Platform," John Cotton's "Keys," Cotton Mather's "Ratio Disciplina," Hooker's "Survey of the Sum of Church Government," and other chief writers respecting the principles and practice of Congregational polity in Massachusetts, cannot have missed the fact that the churches have constantly denied to associations all shadow of jurisdiction, and steadfastly maintained the exclusive right of the churches to exercise juridical powers in ecclesiastical affairs, whether pertaining to officers or private members.

The action of a council, whether in ordaining, censuring, or deposing a minister, is only a *seeming*, not a *real* exception to the universal rule. No principle is better settled than that of the mere *advisory* power of an ecclesiastical council, and that it can have no effect but by the express consent of the church interested, — a consent given in advance in cases where the result is supposed not to trammel conscience, but refused in all other cases. The opinion of the court in the case of *Sheldon v. The Congregational Parish in Easton*, 24 Pick. 288, is a judicial affirmation of this view of the legal character of these ecclesiastical bodies.

The learned counsel has spoken of the power of associations to license ministers, and to rescind their license, as if such license invested its possessor with power to preach the gospel, and as if its rescission took away the power. But that is no part or parcel of Massachusetts Congregationalism. The real power to license is *in the church*, and not out of it. This is in accordance with the doctrine of the Cambridge Platform, which is careful, in more places than one, to state this principle either directly or indirectly. Associations are said to license, when in fact they only give a *certificate of their opinion* that this or that person is a suitable person to be employed by a church in need of a minister. Their license, so called, is their approbation — their approval, merely — conferring no power, and clothing the recipient with no ecclesiastical authority. Accordingly their rescinding a license can only be *the taking back an opinion*; and though it be rescinded, still the individual is just as competent to preach as before, if a people see fit to employ him, — or, in the language of the Platform, see fit to "call him to office." The term "license" is a term of convenience merely, and not of substance. The old form, expressive of the reality, namely, "approve," is still in use in this Commonwealth.

But, returning to the great principle of Congregationalism—the church's exclusive jurisdiction—the reason of it is as plain as its uncontradicted history. If an association were allowed, as a tribunal, to touch character and pronounce upon it,—who would be safe? If they could try a minister or a layman for one cause, could they not for another? If they could try him for immorality, might they not also try him for here-y,—often esteemed the greatest of crimes? And again,—if they could try him at one time, they might at another; and if, having the power of impeachment, they could try him after the action of a mutual advisory council, they could try him by their own original and independent jurisdiction; and if, as an association, they could thus stain and ruin his character, all jurisdiction would virtually be in the association instead of in the church;—and thus the priesthood and not the people would be the depositories of ecclesiastical power, reversing at least one half of the fundamental maxim,—

“A church without a bishop,—a State without a king.”

Then, that this claim of privilege is not established as incident to the nature and functions of the Association,—I ask attention to the other proposition of the defence; that the plaintiff had submitted himself to the jurisdiction of this body, and was therefore bound by its action, whatever it might be. And how is this proved? How has the defendant attempted to establish this indispensable element of his case? Let me first ask whether it is probable that Mr. Fairchild, with a knowledge of the feelings which these reverend gentlemen entertained towards him,—should have consented that the Association, behind his back and without notice to him, should place upon its records a vote, the very existence of which he was ignorant of for four or five years afterwards? It is not credible. Here was a charge publicly preferred against him. He was shortly to be tried on that charge in the open courts of law. Could not these reverend gentlemen have waited six weeks to see what the result would be? Why did they hasten to record their sentence on a brother not proved to be either guilty or erring, and to affix an indelible stigma on his character, before he could have an opportunity to pass the terrible ordeal to which they knew he was even then already bound—a jury of his countrymen? Why, why was this? Was it because of the Jesuit-like apprehension of former days, that “the church was in danger”? That the respect of men for its sanctity might be impaired and its power thereby weakened, if the civil tribunal should get the

start of them in pronouncing a sentence of condemnation upon one of their number, innocent or guilty? If these reverend gentlemen were imbued with such moral cowardice that they could not permit a brother to take the chances of a trial;—if they entertained little expectation of his acquittal before men, and believed that the cause of the church demanded his expulsion from the ministry;—if this was the case, they are bound, as honorable men, to stand up and say so. If they thought Mr. Fairchild proven a guilty man, and thereupon passed this severe vote of censure, let them say they passed it on that ground. Let them now, above all, as they refuse to rescind the vote, come up here and say the charge is true or not true. If not true, let them take it back. "*Vestigia retrorsum*" are steps which no one who has gone wrong need be ashamed or fear to take. If, on the contrary, the charge be true, let them come up like men and say so boldly,—and not skulk behind the declaration that they had probable cause to believe it true, while at the same time they decline saying that they do so believe.

It is alleged that the plaintiff submitted to the Association, and gave them authority to pass on this matter by his letter from Exeter, in 1844, and again in 1849, by his application to have the vote rescinded. Now, whatever may be the contents of the letter referred to, there was another from Mr. Fairchild, dated the 8th of July, 1844, in which he expressly says that he shall submit his case, "not to the Association but to a council." There is also the letter, read by my brother Hubbard, from Rev. Mr. Riddel to Mr. Fairchild, in which the writer explicitly recognizes the fact that my client declined to acknowledge the authority of the Association to try the charge which had been made against him.

It is a remarkable fact that the plaintiff's letter to Mr. Riddel, to which this was a reply, should not be produced. That reply, however, fortunately answers all our ends, and shows conclusively that Mr. Fairchild did not submit himself or his case to the authority of the Association.

I say, then, that there is no such testimony in the case, as would justify the conclusion that, through my client's expressed consent, the Association had acquired any jurisdiction in the matter. Without satisfactory proof of this, the defence must utterly fail.

Upon the question of the *publication* of the libel, we respectfully submit, in view of the authorities that have been cited on both sides,—that the retention of the false and calumnious charges contained in the preamble and vote, upon the records

of the Association, was of itself, and in its very nature, a continuous publication of the slander. Gentlemen, if protection from false aspersions, made and kept recorded on the books of a voluntary association, is not provided for by law, is not the character of every one who may ever have been a member of such association, at the mercy not only of all his associates, but of each new comer? May not his reputation be stricken down with impunity by any one, who, in such circumstances, may seek to destroy him, and all that, too, without any knowledge on his part, or any friendly intimation to him as to what is going on? Suppose a division should occur in such an association, (and we all know that such events and their consequent proceedings are not of the most dove-like character); — suppose a man should be expelled on account of what his associates deemed heresy; suppose, then, after he has ceased to be a member, a vote should be passed and recorded, prejudicial to his honesty or moral character! He knows nothing of it; it is not communicated to him; but every one who comes into the association afterwards will see upon the official records of the body, that which must unavoidably impair his usefulness while living, and stain his memory when dead. No publication can be conceived of, so capable of mischief as a recorded vote like this. Abiding from age to age, in its very nature transmissible and permanent, it should and must be held as a publication wherever its existence is established by legal proof. I do not mean to contend that the plaintiff here can maintain an action against the defendant, simply because this vote is on the record of the Association of which defendant is a member; — but when it is shown either that the defendant aided in placing it there, or has contributed to retain it there, then, whatever this tribunal may find in it of a libellous or defamatory nature, he *was* and *is* responsible for. I submit that it is the clearly recognized rule of law, that every person who, by a voluntary act of his own, the simple casting of a ballot in its support, the silent consent to its passage, the withholding of any opposition, — is shown to have contributed in placing a defamatory statement on such a record, or to have been instrumental, in any way, in retaining it there after its falsity was brought to his knowledge, is as responsible for it as if it had been written with his own hand, or uttered by his own voice. What, in comparison with a record like this, is the ephemeral publication of a newspaper? What, the statement in a confidential letter to a friend? What, the entry on a merchant's private account-book? And yet these have all been held to be publications of a libel. But what are all these to a publication

like this, destined to go down through all time? A publication, and declaration of the plaintiff's immorality and guilt, open to every one now to cast in his face, and to every one of the next generation to hold up in reproach before the eyes of his children. Is it not the merest denial of the doctrines of common right and the teachings of common sense,—to pretend that the defendant, through whose direct and influential agency all this has been done, is not responsible for any of this wrong?

I contend that in essential particulars, this preamble and vote were false,—that the Association knew it to be so, as they have since acknowledged on their records,—that they had no legal or moral right to place them there,—and still less to retain them there after Mr. Fairchild's acquittal by the jury.

As to the truth of the injurious allegations: Is it true that the council at Exeter ever found Mr. Fairchild to have been guilty of seduction? Where is the proof, or the shadow of proof, of that? The defendant has undertaken to charge my client with having been proved guilty of the crimes of seduction, adultery, and falsehood. But if this case is to be tried on strict technical grounds, where, I would ask, is there to be found in the proceedings or the result of the Exeter Council, any pretext that he had been found guilty of seduction? There is nothing in the record that can give a color of justification for such a charge. Even supposing the whole fabric of falsehood woven by Rhoda Davidson to be believed, did she not state that "she was not afraid of Mr. Fairchild—that she always had her own way with him?" And is there no moral discrimination to be made between even a guilty intercourse with such a woman, and that most fiendlike of all the crimes that ever degraded humanity—the cold-blooded ruin of youth, artlessness, and innocence?

Again. The Association by their vote, falsely declare that the plaintiff had been, by the Exeter Council, *deposed* from the ministry. If this were true, he had ceased to be a member of the Association, by ceasing to be a clergyman,—and they had no right to pass any vote respecting him.

But if it was not true that he was deposed, the vote clearly was a libel. And is it true or not that he was deposed, or was he only suspended? There were members of that council who, even on the one-sided evidence produced to them, would not agree to the result,—and others, who did so agree, did it, as they have testified on the stand here, only on the supposition that the decision was, in effect and amount, only one of temporary suspension. You have heard Dr. Burgess's testimony on

this point, that "he knew the sentence was only one of suspension." But the final declaratory record of the Association, in 1849, wherein the word *deposed* is stricken out, and *suspended* is substituted, is conclusive evidence that in their reconsidered and amended opinion, Mr. Fairchild was *suspended* only from his office as a preacher of the gospel. As a corollary from this fact, that he was suspended and not deposed, it is apparent that the real intent and meaning of the vote of the council was, that they did not *believe* him guilty of this charge. Had they so *believed*, they were bound in duty to the churches and to the community to depose him at once; and they would have been infamous had they not done so. But taking the vote as a sentence of suspension until another tribunal had decided on the question of guilt or innocence, — all the action of the council is consistent with their duty, and also with the view entertained by these reverend gentlemen themselves in July, 1849, when the record of the Association was reviewed and reconsidered.

But again, I urge that after the acquittal by the jury, the Suffolk South Association had no right to retain upon their records that vote, whether it were actually true or not, that the Exeter Council had pronounced him guilty upon the evidence before it.

Mr. Fairchild's case had been adjudged by an ecclesiastical council; they had passed a conditional sentence, dependent on the verdict of another tribunal; that tribunal had pronounced him innocent, and I say that the acquittal, after such investigation and trial, takes away from the Association all presumption of right to continue that injurious vote upon their books. There is ample proof that they were in full possession of all the circumstances; but instead of doing what they ought to have done, they went still further in adding a new charge, which aggravated and intensified the original libel, accusing Mr. Fairchild in July or October, 1849, of falsehood, in persisting in the denial of his guilt. Where is all this to end? Here is a man accused of crime. He denies the charge. He is solicited by all the force of love and friendship to confess the matter, if he be guilty, and submit himself to the discipline of the church. He still denies. He is tried by a jury of his fellow-citizens, and pronounced innocent. What, then, does this Association do? They turn round upon him, and deliberately accuse him of falsehood, in persisting in his denial of a charge, of which he has already been acquitted by the verdict of twelve impartial and unprejudiced men! It is a wanton, gross, and unjusti-

fiable aggravation of the original libel, indefensible on any principle of law, even as stated by the counsel for the defendant themselves. For Mr. Fairchild was no longer a member of the Association. They had long before expelled him. But now, gratuitously, and without any object to be accomplished which could by any possibility bring their action within any rule of privilege, they republish and reassert the original defamation in an aggravated form.

In November, 1845, a regular and most respectable ecclesiastical council, declaring Mr. Fairchild to be in regular standing, installed him as the pastor of a church at South Boston. And I submit that the action of this South Boston council, installing him and recognizing him as an established member of the clergy, ought to have been satisfactory to this clerical association,—and that having once submitted to and recognized the authority of that council, by presenting to it a remonstrance, in the handwriting of the defendant himself, against the installation of the plaintiff, they are precluded from denying it now.

That remonstrance, with the reasons upon which it was founded, was duly considered, and conclusively answered by the council. And it is a noticeable fact, that the members of the Association who signed it, placed their objections to the action of the council not upon any alleged proof of the plaintiff's guilt, but upon the ground of inexpediency, arising out of the relations then subsisting between him and his clerical brethren in the city of Boston. If it were true, or if they believed it to be true, that the plaintiff had been proved guilty of seduction, adultery, and falsehood, why did they not set that forth in their remonstrance, as a decisive and conclusive barrier against his readmission to the ministry?

Now let us look a moment at the result of the Exeter Council. It was in July, 1844, that that body finally passed a vote declaring, in Mr. Fairchild's case, "the council feel compelled to express their deep conviction that Mr. Fairchild cannot be innocent in this matter, and that unless he can present a *clearer vindication* of himself before *some tribunal more competent* than ourselves to compel the attendance of witnesses, and the utterance of all the truth, and *till such act be done*, he ought not, and so far as our decision goes, does not, longer hold the place of a minister in the church of Christ."

TILL SUCH ACT BE DONE! Did they mean by this language in their vote to say that Mr. Fairchild was a guilty man, or was this the result arrived at by doubting minds? The referees

will judge. But what said the Suffolk South Association? In their records of 1845 is the vote declaring "that the crimes of seduction and adultery had been charged *and proved* against Mr. Fairchild before this very Exeter Council, and that moreover he had added to those offences the other crime of falsehood, by persisting in denying his guilt."

Now, what import is to be attached to the expression, "cannot be innocent in this matter?" I submit that the phrase, as it stands in the result of the council, expresses their conviction or belief of some unspecified delinquency, — cautiously avoiding saying what that was, either in kind or degree, and virtually forbidding the erroneous construction placed upon the language by the Association, and therefore of necessity insisted on by the defence. Clearly, the language does admit, without violence either to its terms or its spirit, a less offensive, or at least a more limited and lenient construction than the Association put upon it. And they, of all men in the world, were bound by their Christian office and their relations to the plaintiff, to construe it in the most favorable way. May I be pardoned for suggesting that it argues discredibly to their disposition, that they chose to affix the most harsh meaning to the vote of the council, when an alternative more charitable was at hand. When, therefore, the council express their "deep conviction that Mr. Fairchild cannot be innocent in this matter," etc., it is tantamount to saying this; — "though Mr. Fairchild may not be guilty of the crimes specified in the complaint; though we may yet entertain doubts as to the extent of his guilt; though we feel our incompetency to afford him the due means for his clearer vindication in regard to those matters, and hope he may yet have the opportunity before some more competent tribunal, to purge his character of those specified charges; — yet, in the scope of our inquiry in the broad matter that has been laid before us, in the entire course of our proceedings, if there is found some impropriety, some delinquency, we feel compelled to express our deep conviction that he cannot be innocent in this matter—that he is not wholly blameless." Such, I take it to be, is the fair construction of the tenor of the result!

The reasons of the council, plainly given, were sensible, substantial, valid reasons. They were, that the testimony was imperfect; that the evidence was defective; that the witnesses were not produced before them because of the want of power in the council to compel attendance; and that witnesses who were present refused to tell the whole truth. These were the very best of all reasons for doubt and indecision on the great and

chief matters in question. In their result, the council virtually admit that these imperfections and defects did exist, and that, but for these defects, — which neither the plaintiff nor the other side could remedy, but which might be remedied before a tribunal more competent to elicit the truth, his innocence of the charge brought against him might be established, his character clearly vindicated, and his restoration to the ministry assured.

Taking, then, the fair and natural view, that the result of the Exeter Council was a suspension, and not a deposition: taking the sober second thought of the council itself to that effect, as appears by the language of that decision, — what had the plaintiff a right to demand of the Suffolk South Association? Most certainly he was entitled, by every consideration and upon every ground, to call for the rescission of that injurious and slanderous vote which he demands here to-day. Had he not taken that course, he might well have followed the suggestion of his friend, Mr. Hayward, and retired to Michigan, there to seek a hiding-place, and that "boundless contiguity of shade" which the learned counsel speaks of. That would have been the course of one who was conscious that he was justly accused; — but it was not his, nor would have been that of any other innocent man. No! His language was this — "I will go back, under the advice of my counsel, and show up the nature of this evidence, and expose the falsity of these charges against my character; I will manifest my innocence in the most satisfactory, if not the only way, and I will still continue to labor in my Master's work!" He does establish his innocence: for he goes before a jury, and they acquit him. What then? He asks this Association to expunge from its records the false preamble and vote, passed upon him without his knowledge and in the very teeth of the facts; and how is he met? They tell him in the first place that they cannot rescind the vote till he has been restored to his standing in the church by the council which suspended him. What power had he to reassemble the council? There was no special provision made for its reassembling, and therefore, as has already been shown, it was almost universally regarded by its former members as a defunct body. Certainly the plaintiff could take no effectual means to revive it. But what say the moderator and the scribe of that Exeter Council? Here is their declaration, signed by their own hands: —

"Should *another tribunal* elicit new facts and put a new face upon things more favorable to Mr. Fairchild, none will more gladly hail the light than those who have now felt constrained to vote against him. Should evi-

dence be produced effecting his entire exculpation, and setting him forth to the world as an innocent man, they would haste, with unutterable joy, to reverse their present decision, and reckon him again among the faithful ministers of Jesus. But, *till this be done*, they abide by the act they have passed.

The subscribers consider themselves as expressing the views of the council in these remarks.

DANIEL DANA, Moderator,  
L. F. DIMMICK, Scribe."

Well, this very course was taken. He went before another tribunal, submitted himself to trial, and was acquitted on the merits of the case. Why did not, then, these reverend gentlemen "haste, with unutterable joy, to reverse their decision,"—or, if the Exeter Council was no longer in existence, to take measures for holding a new one of equal authority? They did nothing of the kind. After that other tribunal had passed upon the matter, and established Mr. Fairchild's innocence, it is true that he did go to Dr. Dana and consult with him on this point. Dr. Dana appeared willing personally, but meanwhile he had been led to entertain doubts as to his power, and as to any further existence or power of that council. But, afterwards, there was another one held—the installing council at South Boston—which, on the ground of the plaintiff's triumphant vindication before the jury, as connected with the result of the council at Exeter, declared him "in good standing as a minister of the gospel."

And if a council, composed as that was,—remonstrated with as that was,—should still see fit to go on and demonstrate the confidence of its members in Mr. Fairchild's moral purity by installing him over one of their churches,—surely it became the duty of this Suffolk Association so far to entertain some doubt of the infallibility of their own judgment,—an infallibility beyond that claimed by Rome and the Vatican,—as at least to take from their records this foul and slanderous charge against a brother in the church, and a cruelly injured fellow man. Or if that were asking too much of them, they might at least have done away with the declaratory power of the vote, which asserts that Mr. Fairchild had been *proved* guilty of these scandalous crimes. Had they even done that, there would have been some little grace in it;—but no, they could not even do that;—they could not content themselves with the expulsion of the plaintiff from the Association (and, as I have before stated, he had, and has no wish to be restored to fellowship in it), but must go on deliberately to reaffirm the offensive language; to fix the stigma indelibly upon his character; and

worse still, to aggravate the injury by the additional charge that he was guilty of the gross crime of continued falsehood in persisting in denying the original charge up to that period.

But, Mr. Chairman and gentlemen, let us now inquire what possible justification there can be for the gross verbal slander uttered upon the plaintiff by the defendant, at the meeting of the Association in 1849? Where was the occasion for it, if the other allegations were true, and if, as claimed, there were sufficient ecclesiastical reasons for excluding the plaintiff, and refusing to rescind the vote? I agree, that had the plaintiff been seeking readmission into the Association, and had the defendant known, or been satisfied, that he was guilty of having had a loathsome and a criminal disease, he might have communicated what he knew to his brethren, and would have been protected in so doing. But the plaintiff was before them for the single and simple purpose of procuring a rescission of that calumnious vote. That was the single question, as Rev. Mr. Dwight has testified. And thereupon the defendant, referring to a scroll which he held, spoke of it as containing evidence that Dr. Hayward had stated that Mr. Fairchild did have the disease in question; on which Mr. Dwight remarked that if so, it was very different from what Dr. Hayward had told him;—on which the defendant, as a clinching and conclusive reason, gave this medical story,—two of the members protesting against it as libellous. He had no privilege so to do for this purpose, upon the extremest ground of privilege taken by his counsel, and that being the case, he was bound, in order to justify himself, to prove the truth of the statement; to show that, in fact, the plaintiff did have the venereal disease. The learned counsel for the defence, to do them justice, do not pretend to rely on the fact that the story was true; and therefore, if the plea of privilege be set aside, there is no ground of defence left. Now I undertake to say, not only that the story was false, but that the reverend defendant had no reason whatever to believe it to be true; on the contrary, he had every reason for believing otherwise. What evidence is there that Dr. Hayward ever said he declined to attend Mrs. Fairchild on that account? None has been produced. And I further undertake to say, if necessary to show malice, that the whole manner in which the disgusting story was got up, and the use which was made of it, are quite sufficient of themselves, even if the matter were a privileged one, to establish that degree of actual malice which the law requires to be proved. Why, what did he do? This meeting was held in July, 1849, and they had on or before this

made some inquiry into this same matter. They met at Newton, and afterwards the business was further discussed here. On both occasions the defendant was present, and declared that Dr. Hayward had assured him he still remained of the same opinion as to Mr. Fairchild's disease. According to Deacon Drake, too, the defendant returned to him the letter of Mr. Patton, with the assurance that Dr. Hayward reaffirmed every word of the charge contained in that letter. Now the defendant went to Dr. Hayward about the time this correspondence was published,—the responsibility of the publication being shared by some of the best men in Mr. Fairchild's parish,—and the effect of the publication was to stimulate the defendant to give publicity to this medical story, or medical fact, as it is falsely called. Accordingly it was prepared by the reverend defendant and Rev. Mr. McClure, under the superintendence of the latter. The learned counsel attempts to justify the publication, on the ground that it was called for by the plaintiff, or his friends. But did they publish what was called for? Did they publish the whole of Rev. Mr. Patton's letter to Deacon Drake? No, but a garbled extract from it, suppressing even the name of the physician, when that name was distinctly called for,—when the reason for asking it was given,—when, without the name, that physician could make no reply, and when his reply was the express and sole ground for requesting the letter. And subsequently, when his attention was called to it, Dr. Hayward assured the defendant that the extract, as published, was a gross perversion of his remarks. Dr. Hayward's testimony is, that the defendant called on him in January, 1847, and this "Medical Fact" was published in February of the same year, according to Mr. McClure. Now let us see what Dr. Hayward's deposition is, as taken in April, 1847. I quote portions of Dr. Hayward's answers, with such of the interrogatories as are essential to an understanding of this matter.

Had Mr. Fairchild at that time been known to be a licentious man, should you have doubted that the disease was gonorrhœa?

*Ans.* I might have doubted, although it would then have been much more probable that it was gonorrhœa.

This case occurred in March, 1833, and Mr. Fairchild, under the treatment which I adopted, recovered as rapidly as patients usually do under similar difficulties. I never entertained a suspicion of the improper nature of the disease from that time until the summer of 1844. About that time I was at a medical club, when it was mentioned by one of the company that it was

stated in the *Mercantile Journal*, that Mr. Fairchild had committed suicide at Exeter. It was further stated that this was owing to a discovery of something about his licentious practices, or something to that effect. I cannot now state precisely what. I expressed my surprise at this, and stated that I had never known or heard any thing unfavorable to his character, having been his family physician, and acquainted with him for a number of years. Then one of the company said that he had been guilty of these practices for a long time, and stated some circumstance to show that he had been guilty of them. Upon this I remarked that *if this were true*, Mr. Fairchild probably had gonorrhœa some years ago, when I attended him for inflammation of the bladder.

Please state whether you have ever seen any symptoms of gonorrhœa when you knew no other disease existed but inflammation of the bladder?

*Ans.* Yes, sir, I have.

Will you please state in detail what took place when Mr. Fairchild called upon you from the time when he first came, what he said; and, in fact, all that passed up to the time of his cure.

*Ans.* Mr. Fairchild called upon me, and consulted me. I do not remember at this distance of time, whether it was at my house or his own. He stated that he had a severe affection of the urinary organs; that was the amount of it. I don't remember what terms he used. He attributed it to getting wet and taking cold coming up from Newburyport. He spoke of it unconcernedly, as of any other complaint. At my second interview, I spoke to Mr. Fairchild, and he replied as stated by me in my direct examination. His reply disarmed all my suspicion, and I banished it from my mind, and I thought I had made a mistake: and I never recurred to it again, until as above stated in 1844. The complaint was freely spoken of by him, and no secret made of it in the family; and I recollect particularly that when I ordered leeches, Mr. Blasland, the apothecary, procured and applied them.

When Mr. Fairchild came to you did he affect secrecy at all? or did he make any request of secrecy on your part at any time?

*Ans.* He did not; nor ever made the least allusion of the kind.

Did you ever see, hear, or know any thing which would lead you to think Mr. Fairchild other than a pure-minded man, except the remarks which may have been made to you by others speaking against him?

*Ans.* No, I never did.

Was not your remark at the medical club, in relation to M Fairchild, based wholly and solely upon the positive and perhaps vehement statements of others to the effect that without doubt Mr. Fairchild was or had for a long time been guilty of licentious practices?

*Ans.* Yes, sir: it was so.

Have you not found such symptoms in patients when it was impossible that they should have arisen from an impure connection?

*Ans.* Yes, sir. *Impossible* is a very strong word. But mean where I had not the slightest doubt, and where I had no reason to doubt, as in children, and in some instances in men.

Enough has been quoted from that offensive document to let the reader see the miry foundation on which Dr. Adams stood when he was so busily employed in propagating that slander about me, and from the just penalty of which he sought and found protection behind the statute of limitations! That part of the deposition which states the fact of Dr. Adams having brought Dr. Hayward the letter of Mr. Patton, and from which he erased and struck out in various places with his pencil whatever was objectionable, I have already quoted and commented on in another chapter.

Now, may it please the referees, I submit that it is clear from the whole of the testimony of Dr. Hayward, that the defendant had ascertained from him previous to the publication of the letter, that certain corrections ought to be made before it was printed, and that he is therefore responsible for the false statements it contained. Mr. McClure says he adopted every suggestion made by the defendant except one, and therefore, if he be not responsible for the whole of the publication, he clearly is so for these misrepresentations of Dr. Hayward's statements. It is said in the letter as published, that the doctor found *no inflammation, but the usual signs of gonorrhœa*. Dr. Hayward corrected the statement, declaring that he *did* find inflammation, *with some of* the symptoms of that disease. He also struck out the assertion that *he still privately believed as at first*, as well as all the remainder of the letter. Dr. Hayward's testimony through-

ut is perfectly consistent and straightforward. He states all he way through that the symptoms were *equivocal*; that they might have been produced by a criminal connection; but, on the other hand, that they might be exhibited in the case of the purest and most virtuous man living. And what construction is to be put on the fact that Mr. Fairchild's case showed these equivocal symptoms? The harshest possible? Is that the rule of Christian charity or common justice? It was not Dr. Hayward's rule; for how did he treat his patient? For gonorrhœa? No, — but in a mode he never would have dared to adopt had that been the disease. He says further, — that even had Mr. Fairchild been known to be a licentious man, he might have doubted as to the character of his malady. And he never entertained a suspicion of the improper nature of the disease after the plaintiff's assurance to him; and it was not till he heard the positive and repeated assertions of Mr. Fairchild's known and long continued guilty practices, that he said that the disease was then probably the gonorrhœa. And now I ask the referees, in all fairness, to judge of Dr. Hayward's opinion expressed under such circumstances, and to say whether it is not the most cruel and pitiless persecution, at this distant day, to attempt to substantiate from it the infamous charge contained in this so called *Medical Fact*. All the circumstances, — the concurrent testimony of numberless medical authorities, that the purest person in the world is liable to exhibit the same symptoms, — Dr. Hayward's statement of the case of another patient of his whom he knew to be an innocent man, and who was yet similarly affected, — his treatment of Mr. Fairchild, — the fact that no concealment was attempted or thought of by my client, — that he made no secret of his complaint, but went openly to his family physician, — that he informed his wife of his trouble, and what it was, — that the remedies, the leeches ordered by the physician, were applied by the family apothecary, — all these uncontradicted circumstances conclusively show a consciousness of innocence on the plaintiff's part which he could not have manifested had he really been the subject of a criminally contracted disease.

Yet, here is a man, a clergyman of the church of Christ, pursued and hunted down without remorse, upon a charge which was not only false, but which those who pursued him with it had every reason to believe to be unfounded and untrue.

More still, — his whole life has been ransacked for the discovery of every little departure from the strictest morality

from which the best of us are not wholly exempt, — but with want of success, which ought to silence forever the tongue of slander. I question whether there be one, even amongst these reverend gentlemen themselves, whose past life, if raked and sifted from boyhood up, as that of the plaintiff's has been, would not need a more charitable judgment than they have vouchsafed to him.

The defendant cannot escape the responsibility of that infamous publication, the "Medical Fact." He does not attempt to deny his knowledge of it beforehand; a fact conclusively proved by the testimony of Mr. McClure. No less conclusive is the evidence that he had ample proof to satisfy a fair and unprejudiced mind of the utter worthlessness and falsity of the story. That most clearly appears from Dr. Hayward's whole deposition, — from the letter itself, with the alterations distinctly pointed out; from the certificate of Dr. Hayward, containing the substance of his letters to the plaintiff, which were exhibited to the defendant, and from Deacon Drake's letter to Dr. Hayward, — the last document attached to the deposition which artfully but unsuccessfully concludes with a monitory admonition to Dr. Hayward, not to deny the false version of his conversation contained in the pamphlet.

All this was before the publication of the "Medical Fact," and the defendant knew of it all. If not, where is the pertinency of the argument that the publication was not malicious in itself, because it was in answer to a call for the letter as it was originally written, and not for the corrected copy? But the call was for the whole letter, and not the garbled extracts, suppressing Dr. Hayward's name, and thereby preventing everybody else from ascertaining the falsehood of that, which the plaintiff himself had found to be untrue. The terms in which the publication of the letter is called for are plain enough: —

I read from the published correspondence, page 42, note: — "Since writing the above, a copy of Mr. Patton's letter has been put into our hands. We are now more anxious than ever that Deacon Drake should publish it. And we renew the assurance that no civil prosecution shall be commenced against him for so doing by us or our pastor. But we give him no such assurance, if he continues to show it *privately* to individuals. We advise him to cease at once from that plan of operation to injure Mr. Fairchild. Deacon Drake has no more right to put into the hands of others, or to read to them in private, a false and libellous letter, though written by another, than if it were written by himself. And we now tell him (and

we know what we say) that every time he shows that letter, or repeats its contents to another, he is guilty of bearing false witness against his neighbor. We consent to its publication, because Dr. Hayward will then be called upon in justice to himself as well as to Mr. Fairchild, to point out its falsehoods, and tell the true story to the world, as he has already told it to many persons who have called on him for information."

But there is one avowal on the part of the Rev. witness, Mr. McClure, respecting the publication of this pamphlet, which settles the question of the defendant's motives, and gives its true character to the whole transaction. For what purpose, — with what object was it concocted and published?

This witness testifies, that it was prepared and published in the expectation that Mr. Fairchild would institute a prosecution for a libel, and then they could prove its truth in justification, by compelling Dr. Hayward to testify upon his oath. And that the defendant recommended the withholding of certain other evidence, as it could be used with more effect upon such a prosecution. But a prosecution against whom? Themselves? Oh no, — Deacon Drake was to be the scapegoat to encounter the perils of the law; and so his name was affixed to the documents which the defendant evidently designed should operate as the death-warrant of the plaintiff as to his character and standing in the ministry, and even in decent society. The plot, however, did not succeed; but Dr. Hayward has testified, and we have the result.

Now, what a specimen of high-toned Christian morality does this transaction exhibit? Will the Rev. defendant undertake to justify it? Will he say that it was just and right towards Mr. Fairchild, — even supposing him to be the guiltiest man in the world? Was it in the spirit of their gentle Master that these two clerical gentlemen "took sweet counsel together" to draw the plaintiff into a trap? Why, Mr. Chairman, if any two members of our profession were detected in such a scheme, it would as effectually consign them to Coventry, as if they had committed forgery or picked a pocket. And if this be the principle and practice of modern Orthodox Congregationalism amongst its teachers, it is no exaggeration to say that the graduates of St. Omers have found some formidable rivals in their own tactics, among their Protestant brethren.

Another fact of similar complexion is disclosed by the testimony. The defendant states, in March, that something very important is soon to come out which will settle the question of Mr. Fairchild's criminality. But that important something, as

Mr. McClure testifies, proved to be an abortion. The defendant writes to a lady in Pittston, Mrs. Jewett, to obtain the particulars of some alleged intercourse between plaintiff in his youth, more than thirty years ago, and a young lady with whom he was then supposed to be intimate. Now, if a man's whole life from boyhood to old age, is thus to be raked over in search of boyish indiscretions, — then God help all of us. But what satisfaction did the defendant get? Mrs. Jewett replies to him, that she knew nothing, and never had known any thing whatever, against Mr. Fairchild's moral character, as she certainly must have known, had these accusations been founded in fact, yet still the Rev. defendant is not content. He writes a second letter, telling her that she can have no doubt of the great wickedness of Mr. Fairchild, and insisting, under a promise to keep her name secret, that she knows something which it is *her duty to the church* to disclose; to which she again replies with more emphasis than before, that she knew of nothing against him. Baffled and foiled in his attempt to find matter of accusation against his brother, the Reverend defendant, — instead of going to Dr. Burgess, Mr. Smith, the members of his own church, and others, among whom had been scattered these ambiguous voices respecting this Pittston story, and acquainting them with the contradiction of it, — he keeps his mouth sealed, — suffers the calumny to go on and produce whatever impression it may, — and actively aids in the publication of this "Medical Fact." Do not all these circumstances prove the actual malice entertained by the defendant towards Mr. Fairchild? if, indeed, we ought not to adopt another scarcely more creditable supposition, — that he had so far and so completely committed himself to a determined hostility to the plaintiff, that, in the stubbornness of his nature, his mind and heart had been effectually hardened against all impressions that did not deepen his original conviction of the plaintiff's guilt.

The defendant's unrelenting persistency in endeavoring to impress upon the minds of others a belief in the plaintiff's great wickedness, when there can be no pretence that the defendant was in the discharge of any legal or moral duty, is shown by a class of facts which I can only glance at in passing, without commenting upon them as they deserve.

Of this class is the testimony of Mr. Tracy to the conversation of the defendant with him in the cars: *volunteered*, as he states, by the defendant to one who was a stranger to the plaintiff, and not a member of the defendant's church or congregation, — that "the plaintiff was bad enough to go out of the world with a lie upon his lips."

To Mrs. Jordan, also, he represented "the plaintiff's moral character as the worst of any person's he ever knew." He said to her, that he could not grant a letter to a church under a man of such a character, and that his impression was, that in six months' time, something would come out against Mr. Fairchild worse than any thing yet, and she would heartily thank him for refusing a letter. He said that when this matter did come out, Mr. Fairchild's church would dwindle away, and not be known as a church. She, it is true, was a member of the defendant's church; and it has been said here, that it was his duty to keep his flock from the wolf. But had he discharged that duty? Mrs. Jordan says, that when she reminded him that he had known of her attending upon Mr. Fairchild's preaching for more than six months, and had passed her door three or four times a week, without even warning her of the danger she was in from the influence of such a person as he described the plaintiff to be, his reply was, that "he was not responsible for the places of worship which the members of his church chose to frequent. They went where they pleased." No; it was only when they desired to connect themselves with the plaintiff's church, and to leave his own, that the defendant felt bound to warn them of their danger.

Of the same character are the statements of the reverend defendant in his church meetings, as testified to by Messrs. Williams and Lane. Mr. Williams says that Mr. Adams stated that there would be some developments in relation to the early history of Mr. Fairchild, and that there were certain documents to be published which, when seen, would convince those to whom he was speaking, that Mr. Fairchild was the guiltiest man that walked the streets of Boston.

Mr. Lane's testimony is much the same. He says, that Mr. Adams stated, that he had rather resign his pastoral office, than sign a letter of recommendation to Mr. Fairchild's church. He spoke of a communication made on shipboard, which had been conveyed to him by letter, and which, when published, would place Mr. Fairchild's guilt in such a light, that others would believe as well as he; but that *he* should not be instrumental in its publication. How far his instrumentality was concerned in its publication, is evinced by the getting up of the "Medical Fact."

Rev. Mr. Winslow, who is not a member of the defendant's church, nor of the same clerical association, testifies to a conversation he had with him, in which he said to Mr. Adams, that as Mr. Fairchild had been acquitted by a higher tribunal than the

ecclesiastical council, the hand of fellowship should now be extended to him; to which Mr. Adams replied that he was of a different opinion, and would rather resign his office than sign a letter of dismission and recommendation to Mr. Fairchild's church.

Rev. Dr. Gilbert testifies that some of his parishioners had expressed a wish that he would exchange with Mr. Fairchild, and that he consulted Mr. Adams on the subject, and that Mr. Adams said to him, perhaps, before you do that, you will wish to go to the Register of Deeds' office, and see Mr. Hayward's affidavit. I asked why it was there recorded. He said it referred to a bad disease of Mr. Fairchild's. And although the witness did not go to examine the affidavit, this information from the reverend defendant was quite enough to prevent him from proposing an exchange with the plaintiff.

Of the same character was the defendant's conversation with Col. Vinson, whose clear, decided, and intelligent manner of testifying to the circumstances under which the plaintiff denied all intercourse with Rhoda Davidson, renders it difficult to see how the defendant could have supposed he meant to make a distinction between criminal intercourse and the paternity of the child. Col. Vinson's attention was directed to this very distinction,—and he swears that the plaintiff's denial was as prompt, and as comprehensive, as innocence could conceive, or language express. There was one remark of the defendant testified to by Col. Vinson, to which I wish to call the particular attention of the referees, when they are considering the question of the defendant's motives: "Dr. Adams said, *even if he were innocent it would be hard to make the people believe it.*" May we not, in this remark, find a key to the motives which prompted his whole subsequent conduct towards the plaintiff? And it is enough for me to say that this moral cowardice which could balance the world's opinion against the rights of a brother and the cause of truth, might well be the parent of a cruel and pitiless persecution.

It was my purpose to have commented more at length than I am able to do, upon the important testimony of Mr. Hayward. I can find no possible mode of reconciling it with the ground now taken by the defence with respect to the defendant's motives. Mr. Ebenezer Hayward swears, that upon two occasions, in the autumn of 1844, the reverend defendant assured him that "if the plaintiff would return from Exeter to Boston and take his trial, and was acquitted by a jury of his country and the laws of the land, *his pulpit should be open to him.*" These

declarations, be it remembered, were made after he had denounced him as "hell," and as "more licentious than Aaron Burr." Well, the plaintiff did return, — took his trial, and was acquitted, as Mr. Bond, a most intelligent member of the jury testifies, not upon any technical ground, but upon the merits of the case, because the jury believed him to be, not only legally but morally innocent. And the manner in which the defendant has redeemed his pledge has been, not as he had promised, — not as he had repeatedly and solemnly assured my client that he would do, by opening his own pulpit to him, but by making constant and unceasing efforts to close every other pulpit against him, — by refusing to dismiss members of his church upon their own urgent request, to that of the plaintiff, — by remonstrating against his installation, — by endeavoring to poison the public mind against him, and thus make his acquittal by a jury tantamount to a conviction, — and by holding out to the Rev. Dr. Woods the peril in which he was placing his own well-earned reputation, as first among the Orthodox clergy of New England, if he yielded to his conviction of Christian duty, and ventured to aid in the plaintiff's installation. In what honorable contrast to the spirit exhibited by the defendant, was that of this learned and venerated member of the church of Christ. No paltry fear of the world's censorious and unjust judgment could move him against his own judgment of what was due to an oppressed and persecuted friend.

And now, Mr. Chairman and gentlemen, although I have quite exhausted the little strength with which I commenced this address to you, there are one or two unexpected topics which have been introduced into the defence, to which, before I close, I wish to ask your attention. We have all heard the repeated statements of the learned counsel as to the kindly manner in which this controversy has throughout been carried on by the defendant, and the friendly feelings which ever influenced him up to the time when he became convinced that it was his duty and the duty of the church to see to it, that the plaintiff was no longer continued in the ministry. It cannot be denied that a change did occur in Mr. Adams's feelings towards Mr. Fairchild. At any rate it is true that when such a change of feeling does occur between friends, — when the milk of human kindness does become so curdled, — there is no enemy like a former friend.

"Earth has no curse like love to hatred turned!"

Ought not the reverend defendant to entertain some distrust as to the correctness of the course he has taken when thus ex-

posed to the danger of being guided by his resentments rather than by the truth? He does not know — he never can know, till the last great trial appointed for us all — how much his conduct towards Mr. Fairchild has been influenced by that change in his feelings. In the note of page 52 of the pamphlet, "Iniquity Unfolded," there is direct reference on Mr. Fairchild's part to the testimony of the defendant before the Exeter Council, and the defendant's own subsequent comments upon it. He says, "But I love Mr. Adams still. We have taken sweet counsel together, and deeply sympathized with each other. He was my chosen preacher at my installation in Exeter, and I do trust that we shall yet meet in heaven, where he will be convinced, if not before, that his IMPRESSIONS were groundless. But while he remains in the flesh, and has around him a beloved wife and children, I do fervently pray that his character and standing in the ministry may never be taken from him by false witnesses, or by any one testifying to his own impressions. It did seem to me at the time that he was reserved by my prosecutors as the last witness against me, to render my acquittal by the council hopeless. Whether so designed or not, such was the effect beyond all dispute.

"I think it due to Mr. Adams to state that the morning after he had been testifying to his impressions, he called on me. During our conversation he said, 'I think I hurt *myself* more last evening than I did *you*;' and I now say to you, don't despond. If the council should condemn you, and you are innocent, take courage. God will yet make a way for it to appear.' I then remarked, 'Brother Adams, how *could* you have misapprehended me so?' He replied, 'Well, I think that your declarations, when you supposed yourself to be dying, ought to be set off against it.' And when he arose to go, the last words he uttered, as he closed the door, were, 'Do write me, brother.'"

Shortly after this, when Captain Tracy referred to the dying declarations of Mr. Fairchild, as proof of his innocence, the reverend defendant remarked that "he was bad enough to go out of the world with a lie upon his lips."

But now it is said by the learned counsel that there was to be found reasonable provocation for the course pursued by his client, in the statements contained in the book of Mr. Fairchild, entitled "Correspondence," etc. That, however, is an insufficient answer, for the same libellous statements were made before that publication appeared. They certainly were made to Dr. Burgess, if not to several others. It was a most strange declaration at the time, which the defendant made to Dr. Burgess, on

seeing Mr. Fairchild pass,—"there goes hell,"—and again,—"there is nothing in the whole history of the amours of the licentious Aaron Burr worse than in the conduct of Mr. Fairchild." To get over the obvious inconsistency of remarks like these, with the positions now taken, they endeavor to throw a shade on Dr. Burgess's evidence, by holding him up as a friend to the plaintiff. He was called in the opening of the defence, a "compurgator," now he is a "friend." Yes, I thank him, wherever he is, that he has remained a true and steadfast friend, through the severe and stern and sad storm of persecution by which the plaintiff has been assailed. But it is a question of time only, and the proof is, that these declarations were made by the defendant before the publication of the correspondence.

I do not feel called upon to argue more at length those other matters which have been made the subjects of such elaborate discussion, and the theme of so much vituperative eloquence, by my distinguished friend,—the letter to Rhoda Davidson,—the payment of the money,—the distinction between paternity and intercourse, in the plaintiff's denial of the charges made against him, and his silence when the defendant put the inquiry respecting his innocence. But I do call attention to the fact that all this has been most unfairly treated, both by the defendant and his counsel. They have cruelly misconstrued the whole. They ask why, if Mr. Fairchild were innocent, he did not take legal advice. We offered evidence that at that very time he did apply to Bradford Sumner, Esq., and would have shown, had we been permitted, why he did not proceed to take legal steps towards the conspirators against him. But they objected, and the evidence was not admitted. May I not say, therefore, with justice, that their subsequent course of comment and argument has been most harsh and unfair?

As to the point that the plaintiff did not deny the charge when the question was put to him by the defendant, I admit that if the inquiry was put as stated, and Mr. Fairchild deliberately declined to reply,—that fact might raise a grave doubt in the mind of the interrogator, which would require decisive proof of innocence to remove.

Now, Col. Vinson declares that Mr. Fairchild had already, the day before, made a clear and explicit denial, not only of the paternity of the child, but of any criminal intercourse with the girl. That night the defendant went to South Boston, and upon his return apprised the plaintiff that a prosecution was impending over him. He had had no sleep for two or three

nights, and his nerves were completely unstrung. This terrible accusation was staring him in the face, and he believed his enemies were moving in the matter of his arrest. When the letter to Rhoda Davidson was shown to him, he unhesitatingly said, "Yes, I wrote it; but where was the first letter?" Mr. Adams replied that it had been destroyed. Mr. Fairchild immediately expressed his deep regret, for in that letter he had charged it home upon her as hard as he could, and if produced and taken in connection with this, would have afforded a simple and clear explanation of the language in the second.

In the light thus reflected on the missing letter, is seen the true import of that misinterpreted and much abused statement in the second letter. "What has been done cannot be undone." Most evidently the plaintiff is speaking of *her* conduct, and not of his own. The language, in its connection, is restricted in its application to *her* conduct, and hers *only*. The plaintiff refers to her conduct as plainly in the past as in the future, and without a word implying or hinting at such a meaning as has wantonly been tortured into it. And do not the circumstances both warrant and require the restriction which the language itself implies? "What has been done cannot be undone." The plaintiff's having previously charged her with extorting money from him by false pretences, and the fact that she was then the mother of an illegitimate child, furnish sufficient scope for the plaintiff's remark, to say nothing of other offences for which she had need of forgiveness.

It seems, however, unnecessary to argue this matter any further, since the letter itself has already been submitted to another tribunal, and passed upon to the plaintiff's complete exculpation. But the learned counsel on the other side having, as I contend, very unfairly forced it into the present case, as well as many other things which have been adjudicated in another court, you will indulge me in a few words more of comment on this noted letter, especially since the counsel for the defence has asserted in his argument, that it proves my client to be a liar, and the instigator of falsehood in others. And how does he sustain this grave charge? He first quotes from the letter this expression: "If any question should ever be asked respecting the matter, I shall be ignorant of the whole subject, and so must you be." But would this necessarily be wrong? To be ignorant, says an able commentator, must mean to *appear* ignorant of it; and has not a man a right to appear ignorant of what would involve him in unjust suspicion, and perhaps utter, but undeserved ruin? The laws of conscience

do not bind a man to disclose all he knows. He may have and keep his secrets, if he does not tell a falsehood in doing it.

Again: the defendant's counsel endeavored to prove that the plaintiff had instructed others to lie, because he charged the girl and her father that, if any one should guess him, they were to clear him at once. To clear him from what? Why, evidently from being the father of the child. And if he was not the father, as he had affirmed from the beginning, they would only *be telling the truth* in clearing him. The idea that he urges them to tell a falsehood, assumes that he is the father of the child. To say that he required them to acquit him at the expense of truth, is, first to pronounce him guilty, — a position which has not even been assumed in the present case.

Again: the defendant says that when he put the inquiry as to his guilt or innocence, the plaintiff was calm and cool, reading a newspaper; that he declined to answer, but turning to his wife, said, the carriage had come, and it was time to go.

How can the defendant, or any one else, know how calm and cool he was? The evidence of Dr. Perry, as competent a judge as could be produced upon this point, shows, conclusively, that he was then on the verge of insanity, from which, within twenty-four hours of that interview with the defendant, he made the fearful plunge into an attempted suicide. "As clear a case of insanity," says Dr. Perry, "as I ever witnessed." And this was a matter about which, with his great experience, Dr. Perry could not be deceived.

In his letter to the defendant, on page 10 of the published correspondence, the plaintiff gave the following natural account of this matter: "You stated to the council at Exeter, that the next morning after you had read to me the papers containing the charges, you asked me, in the most solemn manner, to declare to you my innocence or guilt, and that I said nothing. And you further stated, that if I had then solemnly affirmed my innocence, you would have 'stood by me to the death.' But as I did not thus affirm it, your impressions were against me. I would here ask you, in all kindness, whether you can justify yourself in thus yielding to impressions, which are the most deceptive things imaginable? Just look at my circumstances at that time. I was then very greatly excited, — my nerves were unstrung, — I had not been able to sleep during two or three preceding nights, — I did not know but that an officer might arrest me on the spot, (for I was then wholly unacquainted with the forms of law in such cases,) — having in my possession no evidence by which I could impeach those witnesses, — with a

mind (as events soon proved) in an incipient state of derangement, and wholly intent on one object; and that was the arrival of the carriage to convey me to the depot. Such was my condition when you say that you proposed to me the question. Can you wonder that I should have no distinct recollection of your asking me the question, or of any thing which then transpired? Besides, when you read to me the charges on the preceding day, in the presence of several witnesses, I had affirmed my innocence in the most unequivocal manner, and without any mental reservation whatever. Had I been perfectly calm and collected when you proposed the question the next morning, it is very probable that I should have 'answered you to never a word,' on the ground that one solemn asseveration ought to have satisfied you, and that to press the matter any further was an implied distrust of my veracity,—an implication which, I doubt not, you would have felt, in like circumstances, as keenly as myself."

And how does the Rev. defendant reply to him? I submit the fairness of this reply to the judgment of the referees. He says, on page 27, — "Now what do you think my opinion of you must have been, when I found you capable of saying in your pamphlet that when I stated to you the fears of the referees, and you made no answer, you think a parallel case is to be found in the conduct of Jesus before Pontius Pilate, who 'answered never a word, insomuch that the governor marvelled greatly,' — you, the innocent Jesus, and I your accuser, prosecutor, and judge. What opinion must I have had of you, on reading that paragraph, knowing all the facts as I did?"

"But this was not worse in its impression on me than the reasons you assign for your silence. You were filled with indignant resentment, that you should be suspected of prevarication! It was this which made you hold your peace as Jesus did before his impious heathen judge. You know, — I say you know, — that, at that moment, you were not capable of entertaining such feeling towards me and the other referees.

"But in the next sentence you say that the reason why you did not speak was, you had passed two sleepless nights, — you were on the borders of derangement, — you feared an arrest, — were afraid the carriage might not come; and in such a condition of body and mind, it is not strange that you should not have had strength or presence of mind enough to reply to my suggestion.

"Now, which of these two explanations is the true one, — the indignant resentment, or the prostration of your power of atten-

**tion?** for you know that the two states of mind could not coexist. Did you deliberately and purposely act like the injured Jesus, and hold your peace? or were you so unstrung that you could not think, or feel, or act at all? If you say the former, it is contradicted by your feelings of kindness and confidence towards me. If you say the latter, how could you dare insinuate the former, and venture to use such a comparison? If you say both, no one will believe you."

Why, the latter is the true explanation, Rev. Interrogator! It would almost seem to require, on the part of the reader, a wilful purpose to misconstrue and pervert a plain statement, to have given to it any other construction.

If, indeed, the plaintiff had been as cool and self-collected as the defendant represented, after his solemn and explicit denial of the charge, the repetition of the question by *his friend* the following morning, might well have suggested to him the painful and distressing thought that his veracity was doubted! Might he not have said to himself, in anguish of spirit, "if my friend, in this hour of agony, fails me, then Heaven help me; there is no one else I can look to, and nothing is left but despair!" Or might he not feel justly indignant at the doubt and insult implied by the very question itself? Neither of these two states of feeling, in such circumstances, would have been unnatural or incredible. But such was not the plaintiff's condition. He was prostrate, shattered, beaten to the earth by the weight of a false accusation, which he knew not then how to meet, and his explanation does not need a large measure of charity to give it credence.

The kindness and forbearance with which the counsel claims that this defence has been conducted towards the plaintiff, has been exemplified in the attempt to fasten upon him the authorship of the anonymous letters offered in evidence. This attempt having utterly failed, you are now asked by the defendant's counsel to withdraw them from consideration. I trust that you will still consider them, so far at least as they tend to throw light on the spirit with which the plaintiff has been pursued. What prompted the defendant to introduce them? He had been my client's friend for years, — he knew his handwriting as well as he did his own, — and his mind and vision must indeed have been tortured and twisted by a jealousy unworthy of him, to have suggested for a moment that the plaintiff was the author of those letters. But, fortunately, we had the power of controlling this testimony of the experts. My learned friends having submitted those letters to my examination, the moment I exhib-

## REMARKABLE INCIDENTS IN THE

them to the plaintiff he recognized the handwriting. We showed them to the author's son, residing in this city. He recognized them as his father's, and produced several from him, the handwriting of which was identical with these.

My associate at once caused a message to be telegraphed to Philadelphia, the residence of the Rev. Mr. Wells, the author of the letters, and he appeared on the stand before you, and acknowledged them to be his own. And now, among the many providences which have sustained the plaintiff through the sharp experiences of a chequered life, may he not regard this as one? Suppose he had not recognized the writing, or could not have discovered the author,—the testimony of Messrs Gould and Smith, the experts, would have settled the matter, and the defence would have succeeded in the attempt to cast a last, a deep, and unfounded stain on the plaintiff's character.

And now, Mr. Chairman and gentlemen, the case is in your hands. I regret, exceedingly, that my client has been subjected to the necessity of seeking my professional aid at all, and still more that I have been compelled to render it in a state of health unfit to do justice to his cause. I can only say, in conclusion, that he has come to you, under the advice of wise and learned counsel, to obtain a recognition of his just rights. It is true that your award in his favor cannot compel the defendant and his association to rescind their injurious and defamatory vote; but it will be a declaration of your opinion that it was a needless and a cruel slander, the moral influence of which must lead to its rescission. And you can also award him such damages as will indemnify him for the expenses which he has been compelled to incur, in this last effort to rescue his character from unmerited obloquy, and to shield himself from a bitter and relentless persecution.

## CHAPTER XXIV.

THE referees had listened to this powerful and convincing argument, and so had the spectators; and, however slight may have been the impression made by it on the minds of the former, the latter were deeply impressed, and fully persuaded, that if justice were done, Dr. Adams would not only be declared guilty, but mulct in heavy damages. There seemed to be but one voice as to the result among foes as well as friends. Even Mr. McClure, Dr. Adams's coadjutor in the *Medical Fact* affair, said to a friend of mine, that I should get the case. Dr. Woods, who was present during the whole trial, felt so confident of a favorable issue, that he wrote me a kind note congratulating me in advance, and cautioned me against undue excitement, fearing that the reaction might be injurious.

It would seem that the referees were not long in making up their award. It was signed, sealed, and delivered to the clerk of the court to be opened at the next November term, but might be opened sooner by agreement of parties. We found that Mr. Hubbard was willing on his part to have it opened; but the referees must first be paid for their services. And it was agreed that the expenses should be equally divided between Dr. Adams and myself, and that the one against whom the decision was made, should refund to the other the amount which he had advanced. On the 14th day of August the seal was broken, and the award declared, which closes with these words: "The question of the guilt

or innocence of the plaintiff, not being submitted to us we have not considered that question." When I read this I exclaimed in utter amazement,— "Not consider the question of my guilt or innocence!" Why, that was the question, and the *only* question which I had submitted to them. I was obliged to apply to certain friends to loan me the money to meet my portion of the expenses, a part of which I have not been able to refund to this very day. But if I had seen that award before paying the money, I would never have paid one cent for though it might have been due by law, it was not due on the principles of equity. I could, with a good conscience, have taken the poor debtor's oath; and I would have taken it. Those gentlemen never performed the work for which I consented to their employment. An neither honesty nor equity required me to compensate them for their services in examining and deciding a particular case clearly defined, when they left that case and went off into the examination and decision of another. They did the work of Dr. Adams; and it belonged, of right, to him to pay them. That Dr. Adams had said and done the things charged upon him in the writ, there could be no dispute; and it was equally evident that they were said and done falsely. But the referees calmly and gravely decide that Dr. Adams was *privileged* to say and do all those abominable things which I have specified in the preceding chapters. Why, this question they could have decided beforehand. If it were a question of *privilege*, and no matter whether true or false, why did they not say so as soon as they took the seats on the bench, and not sit there eight or ten days, at the expense of fifteen dollars each per day, to be paid by me for deciding a question which, it would seem they had already decided, and which had little more

relevancy to the case submitted to them, than the question whether murder is, under any circumstances, justifiable?

The public press everywhere, so far as I noticed, disapproved of the award. I will give a few extracts from several of the papers. And first, from the *Evening Transcript*, August 19.

*The Late Referee Case.*

Mr. Editor,—One of the most distinguished personages who have used a pen during the last half century, has said: "I consider wrath and partiality as the cardinal virtues in a writer; they give force to his composition." I hope this maxim is never operative in the case of referees. And yet what shall we say of gentlemen, who, after giving a *carte blanche* to the slanderers of a worthy fellow-citizen, *provided* they be clergymen, coolly remark, "The question of his guilt or innocence did not come before us!" Why should clergymen have an immunity, any more than any other class of persons, to injure and malign a man? Ought they not to be preëminently cautious and charitable in their judgments? The decision of the referees in the case of the Rev. Mr. Fairchild has awakened, so far as I can learn, but one sentiment of astonishment and rebuke among the liberal-minded and unprejudiced.

M.

I take the following from the *Bee*, September 12.

*Rev. Messrs. Fairchild and Adams.*

Few cases of judicial decision have been more unexpected and taken such hold on the public mind as that of the referees in the late trial between the reverend gentlemen whose names head this article. Mr. Fairchild has strong friends and strong foes, though the latter are comparatively few in number since the developments of the late trial. But among them all, I have heard but one opinion expressed in respect to the aforesaid decision—and that of *unfeigned surprise*.

So far as the parties were concerned, they had, in the eye of the law, the same legal, social, and ecclesiastical standing. Mr. Fairchild is a member of an Orthodox church in good and regular standing. Mr. Adams is no more so. Mr. Fairchild is pastor of an Orthodox church, which was constituted according to ecclesiastical usage in such cases, and the sermon of organi

zation was preached by the late Rev. William M. Rogers. Mr Fairchild was called in the usual way as pastor, and was so installed. The council was regular; it was respectable, and contained the names of as reputable, popular, and distinguished men as any found on the council that installed Mr. Adams. The whole matter, so unfairly brought before the referees, pertaining to the Davidson affair, was well known to the council and discussed by them.

Therefore at the time of the hearing before the referees, Mr. Fairchild had as good a legal and ecclesiastical standing as the reverend defendant. Mr. Fairchild had been tried for a crime and acquitted. Mr. Adams was now on trial. The facts charged by the plaintiff were not denied by the defendant. The falsehood on the record of the Association, that Mr. Fairchild had been "charged and PROVED guilty" of high crimes, was admitted. The fact that the defendant had denounced him in open church meeting as the "wickedest man in Boston," was proved; so also that the defendant had said that Mr. Fairchild was an "unscrupulous man" — that he had "ceased to discriminate between truth and falsehood," — that there was "nothing in the whole history of the amours of the licentious Aaron Burr worse than in the conduct of Mr. Fairchild," — and that on seeing Mr. Fairchild pass, he said "there goes hell." It was not denied that the defendant had sent around for evidence, not to base an opinion upon, but to sustain himself in a position already assumed; all this, and more, was allowed and proved.

The defence taken and sustained by the award is that, in all this, the defendant, acting in good faith, was *privileged*.

Can the award in the Fairchild case be *final* under such rulings? In other words, can Mr. Adams and a majority of the Suffolk South Association place upon their records a false vote — *knowing it to be false*, and refuse to amend it in harmony with truth, and then justify the falsehood and its perpetuity by the plea of "*privilege*?"

The subjoined communication I cut from one of our daily papers at the time, without retaining the name or the date. I insert it because of the source from which it professes to come.

Mr. Editor, — A few days since I was shown a letter written to a friend by a member of an Orthodox church in one of the adjacent towns, whose name, if I were at liberty to mention it,

would have great influence with the religious community. I have been permitted to take an extract from it, which I send you for publication. By complying with this request you will greatly oblige me, and gratify a multitude of your readers.

M. B.

"The decision of the referees in the case of Mr. Fairchild has filled me and many others with surprise and regret. If the atrocious doctrines laid down by them are acknowledged by our religious bodies, then those associations which are formed for mutual good,—for purposes of advancement in piety, may become engines of the worst oppression,—tools for accomplishing purposes of revenge which may well startle the community, and fill it with distrust and apprehension. I do not see how it was possible for Mr. Choate, with all his art and cunning, to convince the referees that there was any law of *privilege* behind which Mr. Adams might shield himself from his intolerant, relentless, and unchristian course of conduct towards Mr. Fairchild.

"The people here say that this result was brought about, not by the law of '*privilege*,' but by the plea of '*somnambulism*.' But one thing is certain; if the referees were made to believe that Mr. Adams, when saying and doing all the wicked things proved upon him in court, and calculated to ruin Mr. Fairchild, was asleep, and therefore devoid of malice, the people, instead of yielding to any such mesmerizing influences, will have it that he was wide awake, and perfectly conscious of what he did. To require them to believe otherwise would be too great a tax on their credulity.

"I deeply sympathize with Mr. Fairchild in this new and unexpected trial, and I pray God to support him under it. I am by no means sure that this unrighteous decision may not hasten the time when his innocence will be made manifest to all; for it must excite inquiry, and inquiry must lead to a just view of his case; and a just view of his case will, I think, convince the public that he is a most deeply injured and cruelly persecuted man, and deserving the sympathy of every right-thinking and right-feeling man in the community."

I extract the following from the Bee:—

I do not see why, according to this decision, Mr. Adams is not at liberty to go on and repeat all his old slanders about Mr. Fairchild, and as many new ones as he can invent or pick up,

and do it all with perfect impunity. He has only to plead that he honestly believes what he says, — that he is very conscientious in the matter, — that he is actuated by no malice, and that he has good and justifiable reasons, — even the glory of God and the purity of the church; thus shielding himself from all responsibility to the injured party, behind the law of privilege! What power greater than this could the Pope of Rome demand or desire?

If such be the law, let the people know it. A great principle is involved here. It is not Mr. Fairchild merely; but every man and woman in the community is interested. For if a person who is connected with any society or club, or church even, may have his character thus stigmatized in his absence, to be whispered slyly round among others, causing good people to be shy of him, and to regard him with suspicion and distrust; and when a knowledge of the stigma thus cast upon him comes to his ears, he is told that he must submit to the disgrace and suffer the injury, — that the false and libellous record against him is, like the laws of the Medes and Persians, unalterable, — that there it must stand for ever unrescinded, because there is a law of privilege behind which his enemies and calumniators may shield themselves; if, I say, this be so, then let the people know it, that they may govern themselves accordingly.

This is not all. More than four years after Mr. Fairchild's expulsion from the Association, Mr. Adams and his associates deliberately entered upon their records another vote, charging Mr. Fairchild with falsehood for persisting in his denial of a charge of which he had been previously acquitted by the verdict of twelve impartial men! Here they publish a minister of the gospel who is in good standing, and not a member of their Association, *as a liar*; and they do so, it would seem, wantonly and maliciously, with no more civil or ecclesiastical right to act thus, than they would have to pass such a vote and to record it against any man in the community. But the referees say that *this is a matter of privilege!* Why, Mr. Editor, suppose a club of some dozen or fifteen mechanics should commit such an outrage upon the rights and privileges of one of their own profession, or of any other citizen, — and when summoned into court to answer for their conduct, they should make no attempt to establish the truth of their record, but set up the plea of *privilege*? Would such a plea avail *them*? And why should it avail *clergymen*? Are not clergymen as much answerable to the law as mechanics? Or suppose they had succeeded in keeping their libellous record from the

knowledge of him whom they had thus maligned for more than two years, as was the fact in Mr. Fairchild's case? Would they be able to shield themselves behind the statute of limitations? or would they attempt it? Would they not own up, like honest men, who had committed an error, and retract what they had done? And why should not clergymen retract their wrong doing, and not seek protection behind the law of *privilege*? But the referees say that a club composed of clergymen have this privilege; and Mr. Adams saw fit to use this plea in order to screen himself from the just consequences of uttering and reuttering the vilest and most shameful slanders that ever proceeded from a man's lips or pen. That they *were* thus uttered, Mr. Clifford's argument most clearly proves.

And is this transaction so unchristian and so base, and withal so fully proved, to be ignored by the pastors and churches in Boston, or will they defend it by pleading the law of *privilege*? But where is the law, human or divine, which justifies a Christian minister in uttering the vilest slanders against his brother? Surely it is not found in the gospel. And what a sad comment is it on any man's Christianity to set up such a defence. And will any of our orthodox clergymen do this? If so, why? Is it because they imagine that orthodoxy will suffer if they dare to rebuke the wrong doing of those who rank themselves among its most zealous defenders? The writer of this article belongs to the orthodox denomination. But if orthodoxy cannot be sustained without justifying such conduct, it is not worth sustaining. And I question whether its friends can do it a more serious injury, than to *attempt* to sustain it on such grounds.

The people can never be made to believe, that such conduct on the part of pastors, is a matter of *privilege*, or that its turpitude can be screened behind the *statute of limitations*, or that it all originated in good and justifiable motives, without any *malice or ill-will*. And I am told that many of them express deep regret and mortification that any of their religious teachers, to whom they have been accustomed to look for an example of open-hearted honesty, should attempt to justify what everybody sees to be a grievous wrong, on such a flimsy plea. And permit me here to say, that if clergymen would retain the confidence and respect of their parishioners, they must solemnly protest against all such plotting and scheming to accomplish a brother's ruin, and be satisfied with nothing short of that reparation which the gospel demands. These reverend gentlemen

may attempt to blink the question ; but it will avail them nothing. The facts are before the world.

I will close this article by quoting a single sentence, with a very little alteration, from Miss Beecher's book, entitled "Truth Stranger than Fiction": A clergyman who is poor himself and whose friends are poor, with such charges preferred against him, "is, in *any* case, in a very helpless position ; but the fact that in this case, these charges were, from the outset, understood to be indorsed by some of the most influential men in the city, and that the whole weight of their influence, official and personal, was thrown into the scale against him, ought to be of itself sufficient to account for the result." And may I not add that all this influence, official and personal, was not only thrown into the scale *against* the plaintiff in this case, but in *favor* of the defendant. Who then can wonder at the result?

One more communication called forth by the decision of the referees, taken from the Mail, written, I was told at the time, by a gentlemen of great respectability, then residing in Tewksbury :—

EDITOR OF THE MAIL, — I have watched the case of Rev. J. H. Fairchild from the first to the present time. I have read the evidence as it has appeared in the papers of the day, carefully and with interest. I have followed the reverend gentleman in his course, and have seen his enemies seeking his reputation as the tiger does the blood of his prey. His afflictions at one time momentarily cost him his reason and nearly his life. His examinations before ecclesiastical councils, and his trial and acquittal by an honest jury, would seem to be enough to clear him from stain in the minds of all, unless prejudice, hate, malice, and wrath reigned supreme in the hearts of those who, by their professions, should receive him with open arms, rejoicing that he was "*not guilty*." Instead of this, how different the treatment he received from their hands ! — they look at him askance, as Milton makes the Devil look upon our first parents, revolving in their minds what further they could do to *damn* him in public opinion, and stain his name in all future time. The conclave in council meeting determined that their damning record should stand upon their books, though no proof of its truth could be produced ; they determined that a *lie* should be handed down to posterity, rather than that they should have the appear-

ance of showing lenity, mercy, or justice to an injured brother. And when on trial for libel they are only saved from being *forced* to do justice to their brother by a technical quibble.

Now, if ecclesiastical bodies have the privilege of destroying a man's reputation, and no law of the land can touch them, I think it is high time that the laws should be so revised that clergymen cannot destroy each other without being amenable to the law. If clergymen in association have this power of *privilege*, why may not other classes of people in association have the same power? If one class of people in association set the laws of the land for *individuals* at defiance with impunity, I see not why another class cannot do the same? If a class of clergymen, as a body, can publicly slander a brother, and publish it to all future time in their records, why cannot other people do the same?

For instance, I have an ill-will against a neighbor, I go to another neighbor and get him enlisted to the first neighbor's hurt. We (myself and second neighbor) go to the third, fourth, and fifth, and so on until there is an *association* of us to work together; well, we publish a libel to our first neighbor's hurt. He sues me as originator of the libel: I fall back behind the *privilege of the association*—the law does not touch me because of this *privilege*. My poor and hated neighbor is thus destroyed without cause and without blame, and his name is handed down to posterity with infamy. JOB.

The day after the award was announced in the papers, I received the following letter from Dr. Woods.

ANDOVER, August 15, 1851.

REV. MR. FAIRCHILD:—

My dear Brother,—A great multitude will be disappointed at the decision of the referees, as you are. When Mr. Clifford's argument comes out it will excite serious consideration, and will have great weight with the public. I am grieved for you; but you and your people will keep in mind that the decision is not *against* you. You have been under trial before a court of justice, and have been declared innocent. There the matter rests, and there it will rest, unless under a new trial, new evidence should be produced to prove you unworthy of your office. Till that is done, I shall regard you as I have done, and as the generality of ministers regard you,—to be *in good standing*. The late trial leaves you in as good a condition as you had before,—*as good*, to say the least.

And now, my brother, I hope the grace of Christ will be with you. Your proper course will be, to be more devoted to the great work of promoting the good of souls, and the glory of Christ's kingdom. The Lord bless your labors, and bless your family, and bless *you* with the spirit of meekness, and gentleness, and humility, and love. In a little while earthly trials will be past. Our afflictions are but for a moment. Blessed will be the *rest* that remaineth for the people of God.

If I am well enough, as I hope to be, I will preach for you Sabbath after next. Affectionately yours,

L. WOODS.

The good man did come and preach for me on that Sabbath, which fact was announced in one of the papers next morning in these words: "*Rev. Mr. Fairchild in good standing still.* We understand that the venerable Dr. Woods, of Andover, preached for this gentleman twice yesterday."

The November Monthly Law Reporter contained a long and able review of the award of the referees, which I here insert.

#### THE RIGHT OF VOLUNTARY ASSOCIATIONS TO CRIMINATE THEIR OWN MEMBERS.

The decision of the referees in the late clerical libel suit of *Fairchild v. Adams*, has excited a good deal of surprise. If it can be sustained as a law, the reputation of every member of any voluntary association, club, or society, is at the mercy of his fellows, and if assailed by them the law will afford him neither protection or redress. We propose to consider this case, as one of general interest, and as involving principles of general importance.

Suffolk South Association is a social circle composed of a portion of the Orthodox Congregational clergymen of Boston and vicinity. The objects of the Association, as laid down in the standard of Congregationalism, are personal improvement, the cultivation of brotherly kindness and mutual assistance, by counsel and advice, in discharging ministerial duties. By the express policy of Congregationalism, it has no ecclesiastical power or authority whatever over churches or individuals. It is nothing else than a mere stated meeting of neighboring cler-

ymen, for purposes of social intercourse and ministerial fellowship. Its members of course can decide whom they will admit to their meetings, and they can, to use the legitimate Orthodox phrase, "withdraw fellowship" from any of their number if they choose; but by no ecclesiastical or Congregational usage can they do more. It is a body unknown in law, and is possessed of no greater rights than a neighborhood prayer meeting, which in fact it may be called.

Rev. Joy H. Fairchild became a member of this Association about the year 1827, while settled in South Boston, and in 1844 was still a member, although then settled in Exeter, N. H. In July, 1844, Mr. Fairchild was indicted in Boston for the alleged crime of adultery. Subsequently, he was tried before an ecclesiastical council at Exeter, on a similar charge. The council, aware that the indictment was pending, and doubtful of the facts, *suspended* him from the ministry "until he should present a clearer vindication of himself before some tribunal more competent than themselves to compel the attendance of witnesses and the utterance of all the truth," and then dissolved.

The Association had at an early day taken up the matter, and at first Mr. Fairchild was content that they should investigate it; but he immediately after, expressly and in writing, withdrew his consent and informed them that he should submit his case not to them, but to a council to be called. The Association, by its committee, of which Rev. Nehemiah Adams was one, appeared before the council as accusers, prosecutors, and witnesses, and managed the case against Mr. Fairchild. Notwithstanding their strenuous exertions for an unqualified conviction, the result was as above stated.

Before the council met, Mr. Fairchild resigned his office as pastor of the church in Exeter, in order that the church might be free from embarrassment. About this time Mr. Fairchild, while under a high state of nervous and mental excitement, in a fit of insanity, attempted to commit suicide, and barely escaped death. The fact of his insanity was fully established, and was not controverted.

Immediately after the result of council, Mr. Fairchild made preparations to meet the indictment against him in Boston, and it was well known in the fall of 1844, that he was to take his trial at an early day.

In January, 1845, a majority of Suffolk South Association passed a vote and recorded it on their minutes, declaring: First, that the council at Exeter had found Mr. Fairchild *guilty* of the crimes of seduction and adultery, and had *deposed* him from the

ministry; second, that he was actually guilty of those crimes, and also of falsehood in denying it; and, third, that because of his guilt, and of his persisting falsehood in denying the same, he be expelled from the Association.

In February, 1845, Mr. Fairchild came to Boston, and in March was tried before the municipal court, and after a long and laborious investigation of a week's duration, was most triumphantly acquitted. By the voice and opinion of the oldest and the best of the Orthodox Congregational clergy and laity of New England, by force of the decision of the council connected with the result of the trial in court, the suspension of Mr. Fairchild's clerical functions ceased, and he was at once restored to his ministerial rights. Very soon after he was regularly installed over a regular Orthodox Congregational church in South Boston.

The precise nature of the vote passed by the Association in January, 1845, (which, by the way, was passed with the intimation that, if Mr. Fairchild was acquitted it should be rescinded,) was not known to Mr. Fairchild till 1849. As soon as it was known to him, it being deemed a gross libel by himself, by his friends, and by the best legal minds in the State, he sent to the Association a request that it should be rescinded.

At a meeting of the Association, in July, 1849, the libellous vote as originally passed was read not "in the hearing of two clergymen casually present, but not members;" but in the hearing of four clergymen, not members, from different parts of the country, and present by express invitation of the Association, as well as in hearing of others, new members, who then heard it for the first time. At a subsequent meeting in the same month, after discussion, the Association refused, on a direct vote, to rescind the libel.

Rev. Mr. Adams, who voted for the original resolutions, was mainly instrumental in preventing their being rescinded, giving as a reason, that Mr. Fairchild had been guilty of other crimes and asserting that in 1833, some sixteen years before, he had had a certain disreputable disease, and was addicted to bad practices. The Association acknowledged that their vote, as originally passed, did not correctly state the most material facts; yet they refused to rescind the libel, and left it standing on their records.

Mr. Fairchild, having no other redress, brought his action against Mr. Adams, first for the libel, and second for the slander.

The real question before the referees was this:—Have the members of a ministerial association, which has no ecclesiastical power or authority whatever, legislative, judicial, or disciplinary,

while they may withdraw fellowship from one of their number, a right to utter or record against him charges of crime unless they are prepared to justify them by proving them to be true? In other words, have they a right to adjudge and publish him a criminal, unless they are prepared to show that he actually is so?

This, *the* question in the case, the referees seem to have lost sight of, while they seem to have been persuaded by a careful covering up of the naked deformity of the affirmative of the proposition with the thick folds of ministerial sanctity, that they had to deal only with the general statement, — that a man in the exercise of an *actual duty* may make accusations, if, in *good faith*, he *believes* them to be *true*. They do not seem to have met the case. They put the position thus: "That clerical associations are by law privileged to institute inquiries into the conduct of their members, to pass votes of expulsion against them, and to record their proceedings, provided it be done in good faith and without malice, and that the truth of the allegations need not be proved." Allowing this to be good law, common justice requires that in all such cases an accusation should be properly made, and the accused fairly notified, heard, and tried. But the defendant claimed more than the proposition. He claimed an arbitrary right to do what no acknowledged judicatory has ever ventured to do, namely, by force of a mere resolution, to accuse, try, and condemn of crime, without notice, without hearing, and behind the back of the accused; and the result of the referees would seem to sanction the monstrous assumption.

With regard to clerical associations, we affirm that they have no more or greater privilege to scrutinize the conduct of members than any other; and although they may strike the name of a member from their roll, they have no right to accuse him of crime, and publish him as a criminal, unless prepared to sustain the truth of the accusation. A law association has a right to inquire about members, to drop them from the list, and to record its legitimate proceedings; but we should be glad to find the lawyers who would venture to accuse a member of a crime, and to record and publish it, unless it were actually true. All associations are privileged to maintain their own rights, but they must not trench on the rights of others. They may defend their own grounds, but they must not trespass on another's. They may thrust out of their house an abnoxious visitor, but they must not maltreat him; they may decide that he shall not enter, but they must not send out ruffians to waylay and kill him, nor

must they post him as a thief and a robber, unless they are prepared to answer for the injury.

In *Robinson v. Jermyn*, (1 Price, 11,) where, although official notice of the exclusion of one from a club was held privileged, it was distinctly on the ground that *no imputations were made on his moral character*.

That clerical associations have no ecclesiastical authority, and are in no sense tribunals, is well settled in Congregational history; and although some of the clergy have at various times attempted to acquire such power, it has invariably, and most emphatically been refused to them. The idea of *authority* of any kind in associations, is totally opposed to the Congregational polity as dangerous to the rights of churches and individual Christians. See *Ratio Disciplina*, *Punchard on Congregationalism*, etc. The referees assert and rely upon the general proposition, "That a person acting in discharge of a *duty*, and in *good faith*, is privileged in making accusations without being held to prove their truth, if made *on proper occasions*." This proposition may be correct; but it does not meet this case. Here was no duty, and no proper occasion;—no duty, because it was not within the scope of the objects of the Association; no proper occasion, because they had no jurisdiction, and were not a competent tribunal. It is a well-settled principle of law, that an accusation, to be privileged, must be made to a tribunal competent to receive and try the case. *Remington v. Congdon*, (2 Pick. 315, Perkins's Notes).

*Blugg v. Sturt*, (10 Ad. & Ell. N. S. 889); *Harwood v. Green*, (3 C. & P. 141). But then it must be in discharge of a duty, and not volunteered: *Pattison v. Jones*, (8 B. & C. 578); *Fountain v. Boodle*, (3 Ad. & Ell. N. S. 5); *Toogood v. Spryng*, (4 Tyr. 595). And there must be no excess beyond what is called for by the exigencies of the case, while the language must be limited to the necessities of the occasion. *Robertson v. McDougal* (4 Bing. 670); *Tuson v. Evans*, 4 P. & D. 396; *Cook on Defamation*, (p. 35).

A voluntary association is a mere assemblage of individuals, and they may not do collectively, so far as character is concerned, what they must not do individually. The individual may say that he will not associate with A. B., but he must not say "*because A. B. is a thief*," unless at his peril. So the assemblage may refuse to associate with A. B. but if they say, "*because he is a thief*," they must abide the consequences. The moral duty which would require the first, would not require the

last, even if it were true. It might be a *proper occasion* to cut his acquaintance, but not to charge him with a crime. But of this matter of duty we shall have more to say by and by. Can A. B. and C. because they chose to call themselves an association, and have the power of expulsion, with impunity vote D. a thief, and publish the fact? If so, the world ought to know it. But courts have thought differently. In *Lewis v. Few*, (5 Johns. R. 36,) the court say, "If one hundred or a thousand men assembled, undertake to charge a man with specific crimes, there is no reason why it should be less criminal than if each one should do it individually, at different times and places."

The referees further say, "That in this Commonwealth all denominations of Christians are privileged to maintain the discipline of their respective churches, according to their various usages, including the making complaints and accusations, the production and discussion of evidence and the recording of their proceedings." Now nobody denies this; but what has it to do with this case? Ministerial associations have nothing to do with the discipline of churches, any more than Sabbath schools, Bible societies, or sewing circles. By the very nature of the case and the constitution and first principles of Congregationalism, they have no more to do with church-discipline than a law club with trials in court. They have not even advisory power; and there is not the association in the State which would venture to meddle with the affairs of any church, or even to counsel it how to act, unless requested to do so. Churches alone have disciplinary power. They alone are the judicatories that can hear accusations and try offences. The authority of councils, even, is derived wholly from the churches. Associations have nothing to do with accusations. They have no more rights, powers, or privileges, so far as the church and church-discipline are concerned, than a dinner party of deacons.

But what does this proposition of the referees signify? First. *The making of complaints*, supposes that it is done in due form and for the purpose of a trial. Second. *The production and discussion of evidence*, supposes a hearing of the whole case, *pro* and *con*, by a competent tribunal, after due notice and in a proper way. And third. *The recording of proceedings* supposes the entering up of judgment by an acknowledged authority. In this case, alas! none of these requisites are found, no competent tribunal, no complaint, no trial. First. A resolution is offered, passed, and published, at a social gathering of clergy men, affirming that a ministerial brother had been guilty of gross crimes, when the fact is yet to be proved. And this is

done without notice to the party, and in his absence. Second. After the fact is disproved so far as it can be done before a human tribunal, the clerical social circle reaffirm the charge by another resolution, and at the same time accuse the absent brother of other crimes, and that without knowing if the charge be true. If the association had ever so much authority, and had been ever so competent a tribunal to discipline and try, they had no right to proceed in that manner. The inquisition, in its palmiest days, hardly did worse, and ostensibly did better.

But as to the matter of *duty*. A church is an acknowledged tribunal of competent jurisdiction, in the Congregational order, and it is the *duty* of a church to maintain its discipline, to keep watch and ward over the conduct and character of its members, to try and punish, and, if need be, to expel offenders. So it is the duty of a Presbytery, or a synod in the Presbyterian order. This is their legitimate business. It is a necessary concomitant and object of their existence, and they are bound in duty to act accordingly. But it is no *duty* of a ministerial association to try moral delinquents or to expel them. It is no part of the duty of the members of such associations, as such, to watch their brethren. *That* they must do as individual Christians; and if a brother offend, they must complain to the proper authorities; but as members of the association, they have no more duty to do in that respect, than they would as members of a clerical book club, if they were so. The power of expulsion is equally incident to the one as to the other. But expulsion is no *duty*, and the general practice has been in associations not to expel, but merely to drop the name of an obnoxious brother. The legitimate and usual phrase is, "*withdraw fellowship*."

There is another feature in this case which ought not to be overlooked. The association declared Mr. Fairchild deposed from the ministry. Now clerical associations are necessarily composed of ministers. None others can be members. The man who ceases to be a minister, *ipso facto*, ceases to be a member, as much as a man who marries ceases to belong to the society of bachelors. A minister deposed is no minister; an officer cashiered is no officer, and the latter might continue a member of the regimental staff with as much reason as the former, of a ministerial association. If Mr. Fairchild was deposed, and no minister, then he was no member, and the association had nothing more to do with him. If they verily thought he was deposed, it would be the same as to their action. If he was not deposed, then their record was a mistake, and if they knew it, a wilful mistake, which would destroy their privilege at once, if they had any.

A few words as to the proper effect of the acquittal in the municipal court, and we have done. So far as a man's civil and legal rights are concerned, a verdict of acquittal of crime, on the merits, is conclusive on everybody, and whoever afterwards accuses him of the crime must be prepared to prove it true or suffer the consequences. Although I may believe a man guilty who has been fairly and honorably acquitted, I must not say so. Although I know him to be guilty, I must not accuse him unless I can substantiate it. The referees say, that, "While a verdict of acquittal is entitled to great weight, and ought to be regarded as *primâ facie* evidence of innocence, yet such an association is not bound to regard it as conclusive." But the same thing is true of anybody. Take any man in the community — the fact that he has never been suspected, is, in the same way, only *primâ facie* evidence of his innocence, and no association is bound to regard it conclusive. This is the every-day history of everybody, and any man who is proposed to, or dismissed from, a society, is liable to have his character scrutinized, whatever may be his reputed standing. The acquitted man stands, then, in the same position, so far as his rights are concerned, as the man who has never been accused. The verdict is entitled to more than *great weight*. It is conclusive until disproved, so far as all open charges of crime are concerned, in the same manner as a life-long good character and reputation are conclusive. Mr. Fairchild, then, after his acquittal, stood, so far as his rights were concerned, precisely as if he had never been accused, and the association had no more right to adjudge him a criminal, unless they could prove it true, than they had any other member of the association.

In the case of *Fawcett v. Charles*, (13 Wend. 473,) where a physician was suspended or expelled from a county medical society, "for having become a member by false pretensions," the court say that the society has the power to remove a member for a crime; but not without a previous conviction, the difficulty being the possibility of a difference of determinations in the two jurisdictions, as a member may be removed on some fact on which he may afterwards be acquitted on a trial by jury, and the acquittal would stamp, by the highest authority, the injustice of the removal, and seem to require a restoration.

The rule of law is, that a man is to be presumed innocent till he is *proved* guilty; and whoever accuses him of guilt must pay the penalty, unless he can prove the truth of the charge, or unless he accuse him in the discharge of an actual duty, in good

faith believing him guilty, and before a tribunal competent to examine and pass upon the matter.

We cannot think the decision of the referees in this case to be either law or equity, and we hardly think that either the profession or the public will feel satisfied with the result. We venerate the law because it protects our reputations and our rights. When it ceases to afford us protection, what will be the result?

---

## CHAPTER XXV.

ON Saturday morning, August 30, Mr. Clifford's argument was published in the *Boston Courier*. As Dr. Woods predicted, it had great weight with the public, and opened the eyes of many to the enormity of the wrong which had been done me. Mr. Sargent, the then editor of the *Transcript*, wrote and published the following remarks upon it, September 5.

### REV. MR. FAIRCHILD'S CASE.

We have read with some attention the long report which appeared in the *Courier* of Saturday last, of Mr. Clifford's argument, with the accompanying documents, in behalf of Mr. Fairchild, delivered before the referees in the case of the Rev. J. H. Fairchild against the Rev. N. Adams. We think that no unbiassed person can read this report without having his sympathies warmly enlisted in behalf of the plaintiff. Mr. Fairchild, it will be remembered, was some years since accused of a criminal offence. He denied the charge. He was solicited by his clerical brethren to confess the matter, if he was guilty, and submit to the discipline of the church. He rejected the proposition, persisted in his denial, was tried by a jury of his fellow-citizens, and pronounced innocent.

Here was an exculpation, in which all good citizens—all who revered the law—should have acquiesced, whatever

their mere *suspicious* in regard to the accused party may have been. But what is the course of the Suffolk South Association, with the Rev. Mr. Adams at their head? They turn round upon Mr. Fairchild, and "deliberately accuse him of falsehood, in persisting in his denial of a charge, of which he has already been acquitted by the verdict of twelve impartial and unprejudiced men!" And this is done wantonly and superfluously, without provocation from the plaintiff. The defamatory statement thus placed on record on their books, whatever referees may say to the contrary, must be regarded by practical people as libellous.

To the written libel there was superadded verbal slander of too gross a nature to soil our columns by the repetition. At the late examination, not a particle of proof was produced to substantiate or justify it. Nothing to invalidate the verdict of the jury, in the plaintiff's favor,—nothing to uphold the miserable spoken slander,—was brought forward. The plaintiff's character had been maligned in the most injurious manner—for his own sake—for the sake of his family, his children, and friends—friends who had stood by him through good report and through evil report—he was imperatively called upon to vindicate that character from the aspersions that had been cast upon it anew. Temperately, and without vindictiveness, he seeks redress. Whatever the expense—though it beggar him—he will seek it; and finally the case is brought before referees, and the best counsel is enlisted in his behalf.

And what is the conclusion at which these gentlemen arrive? One which they could have decided, and ought to have decided, before they begun! Without passing upon the question of the truth or falsehood of the libel and slander, gross and palpable as they were,—without even denying the libellous and slanderous attributes,—they dismiss the case, after a costly trial, on the plea of privilege. The clerical association, even supposing they had libelled and slandered Mr. Fairchild, had an immunity so to do! Surely the referees could have decided thus much before the first hearing. The plea on which the defendant's counsel mainly relied was that of "privilege." The plea of "privilege" was admitted. But a people with whom such a plea could avail to grant such license to any body of men in torturing—not the limbs, but what is worse, the *reputation* of a man—such a people would be but going a step further in sanctioning the establishment of the Inquisition.

In January, 1852, I delivered an address in Tremont

Temple, entitled *THE NEW DOCTRINE OF CLERICAL PRIVILEGE*. It excited considerable interest at the time, and was soon published. The edition of three thousand was speedily exhausted. Many and favorable notices of it were taken by the press. I must be permitted to quote a few. And first from the *Boston Herald*. This paper was, for a long time, the only one in Boston that was accustomed to utter bitter things against me. And the following notice, by the editor, of my address will show the reader the great change in his feelings, and which has continued to this day.

MR. FAIRCHILD ON CLERICAL PRIVILEGES.

Feeling some curiosity to hear Rev. Joy H. Fairchild's exposition of "the new doctrine of clerical privileges," and being desirous of presenting this doctrine to our readers, we went to Tremont Temple last evening, to hear the reverend gentleman's discourse.

Mr. Fairchild gave us a better style of address than we are accustomed to hear, — and a far better one than we expected from him. It was earnest, though calm. It came evidently from the deep recesses of the heart. The strongest feelings of his soul were stirred when he penned it, and yet it was not vehement in style or delivery. It was a manly review of his peculiar position, and so clearly and forcibly did he narrate the history of his past life, particularly that part of it where the deep waters compassed him about, he carried the sympathies of his audience with him.

The effect of the lecture cannot but be favorable to his cause, and will do much towards reinstating him to that position in the confidence and affections of his fellow men, from which, we now think, he ought never to have been removed.

After a neat introduction, apologizing for, and vindicating the act of calling his fellow-citizens together, he entered into a candid discussion of the principle involved in his case, as respects the decision of the referees. He based his address on the following proposition — a great principle as important to the public as to himself — of which he was on that occasion the defender, perhaps he might say the representative: —

"No man or class of men, either singly or collectively, shall

utter a known acknowledged slander against his neighbor, by tongue or pen, and be shielded behind the law of privilege."

We do not propose to sketch his address now. It was a review of important transactions and decisions bearing upon him. He trounced brother Adams soundly;—and surely, if there is any truth in Mr. Fairchild's statements, Adams deserved it, and more than that, he deserves the contempt and scorn of a people who love honor, justice, and manly dealing.

The next notice is from the *Evening Transcript*, March 9, 1852:—

#### REV. MR. FAIRCHILD'S ADDRESS.

We should not care to be the particular subject of this Address, if half of it is true; and we know of no reason for doubting the correctness of any part of it, except that the conduct which it exposes is so extraordinary and disreputable. If the statements of Mr. Fairchild can be refuted, they certainly should be, for the credit of humanity, as well as the clergy in general, and Dr. Adams in particular. Such cases must not go by default, if defence is possible. The defence, if attempted, should be real and complete, without trick or shuffling. It will not do to raise a dust about smaller matters, to conceal the greater. The toughest and most stubborn of the alleged facts must be grappled with manfully, or the whole let alone. The address of Mr. Fairchild is no squib; for its shot are too heavy, too precisely aimed and too surely driven to be trifled with. Neither is it any single fact, however forcible, that is relied on, but a full battery. Will it be silenced? Can it be? We give no opinion, nor need we give one. The public cannot help making up their minds for themselves. One thing is certain,—either Mr. Fairchild is vastly impudent, or vastly abused. If his story is true, he has done right to tell it, and would have been grossly deficient in self-respect not to have told it. It is certainly a very fearless statement, and looks very much like an honest one. Its facts seem any thing but *rickety*, and its argument has in it a force and earnestness which indicates a clear sight and a deep conviction of the reality and importance of what he is saying. If he is tampering with the public, he has chosen the wrong community to trifle with. We trust he will be heard. If he is dealing fairly and honestly with the public in his address, and if matters really stand as he has put them, his chief opponent is placed in no enviable light. However sound his religious theory may be esteemed, his moral practice in rela-

tion to Mr. Fairchild must be looked upon as rotten by every candid man. We might well pity the condition of the heathen who should be converted from the religion of Seneca, Socrates, Confucius, or Logan, to a morality so deplorably destitute of justice and humanity.

We quote one of the concluding paragraphs of the Address as follows :—

"Bear in mind, fellow-citizens, that mine is a double claim. if, indeed, any thing can add force to the simplest obligation of justice. I came hither in no common way to obtain it, and to secure its permanent benefit. When accused in this State, I was a free citizen of New Hampshire, and under the protection of her unsundered and inviolable sovereignty. No power of civil government on this continent was strong enough to compel me into your jurisdiction. Yet, in this perfect immunity from arrest, I came voluntarily to this Commonwealth and to your honored city, for the express and declared purpose of vindicating my character under the most rigorous scrutiny of your keenest eyes. And think you, men of Massachusetts,—think you, citizens of Boston, that I surrendered myself as a *gratuity*, or that your court regarded me as such? But the question answers itself. It tells you with an emphasis not to be misunderstood, that I came hither for a substantial benefit,—a reliable good, which no clerical club should have power to take from me. I was accused in your court, and I came to rescue my character where it was accused, and to receive the permanent benefit of a just and final verdict,—a verdict not to be contradicted by a knot of clergymen in conclave, to have their contradiction authorized by the same power whose final will declared me innocent. Surely I could dream of no such solecism in law anywhere, and least of all, in a State whose jurisprudence has so long been the bulwark of the rights of man."

The *Boston Post*, of March 10th, contains the following notice :—

#### REV. MR. FAIRCHILD'S ADDRESS.

This is a readable pamphlet, and we hope many will read it and judge for themselves. Its narrative is plain and its reasoning forcible. If its facts are facts, and too many of them certainly are, the hardships of the author of the address cannot but take hold of the sympathies of a fair-minded community. The treatment of Mr. Fairchild by his wily antagonist, as set

forth in the address, no man can justify who would not vindicate the fires of Smithfield. Many things have been done in God's name, of which the devil might well be ashamed. The motto of the address is, "Let him that readeth *understand*." We only add, let him that would understand *read*.

I will quote only one more notice, which, considering the source whence it came, and its intrinsic merits, is well worthy of a permanent record. I refer to the *Investigator*, of March 17th, a paper which will not be even suspected of any partiality to the clergy.

**"THE NEW DOCTRINE OF CLERICAL PRIVILEGE."**

This is the title of an address delivered in Tremont Temple, on the 26th and 27th of January last, by the Rev. J. H. Fairchild, pastor of Payson Church, South Boston.

Some of our readers will remember Mr. Fairchild. A few years ago he was charged with the commission of a peculiar crime, for which he was tried, first, by an ecclesiastical council, and by that body condemned. After this, at his own urgent request, he was tried in a civil court of this city, and honorably acquitted. There the matter should have rested. Having been declared innocent by this high authority, an opportunity should have been given him to regain his former position.

The ecclesiastical council, however, were not at all satisfied with the verdict of the jury in his favor, probably because it nullified *their* verdict, and placed the decision of common men above that of the men of the pulpit. At all events, the council treated Mr. Fairchild as if he were really the guilty man they charged him with being, and used their utmost efforts, one way and another, to crush him entirely, and keep him forever in a degraded, helpless, and hopeless condition. This "holy warfare" against him was carried on with such bitterness and malignity, that at last he brought an action against his principal persecutors for libel. Most unfortunately for Mr. Fairchild, as well as for the cause of justice, the case, instead of being put into the hands of a jury, was given to referees, — and he was again defeated.

On this last trial, was exemplified "the new doctrine of clerical privilege" on the part of his enemies, — namely, the privilege of saying what they pleased against him, notwithstanding his acquittal by a jury! These clerical gentlemen, placing

themselves above the civil law, claimed the *right* to treat a man as guilty whom a jury of his countrymen had declared innocent, — and upon this monstrous assumption, they succeeded in depriving him of all legal redress! Protestants are very fond of clamoring against Catholics for the disposition manifested by their church to override the civil power; but in the present case, Protestants have exhibited precisely the same irresponsible, lawless, tyrannical disposition. An American jury acquitted Mr. Fairchild. A few bigoted orthodox ministers, self-elevated above the jury and the law, claim the privilege of setting aside or superseding the verdict of the court, — thus making the ecclesiastical take precedence of the civil power! It is a monstrous doctrine for the high noon of the nineteenth century, and deserves the universal and unmeasured scorn and contempt of a republican community. We say, let the people sustain the verdict of the jury, and despise the miserable intolerance and bigotry which would ride rough-shod over that palladium of personal liberty and protection.

We are not acquainted with Mr. Fairchild, and therefore are not actuated by any private partiality in speaking of him, nor need we say that we are not very fond of the clergy. Still, we confess to no little sympathy for the man — minister as he is — when we think of the long and remorseless persecution with which his enemies have pursued him, like bloodhounds, year after year. Even if he were guilty, he has been punished enough to satisfy more than ordinary vengeance, and common charity would therefore dictate to his enemies common mercy. But they seem perfectly inexorable. Their victim must be crushed for life, and the principle which guides them in their unrelenting warfare appears to be of the character of that doctrine which Dante said was inscribed upon the gates of hell, — “*All hope abandon!*”

We wish all our readers could examine Mr. Fairchild's pamphlet. We are certain that the mean and contemptible trickery, and the tyrannical, revengeful, and hideously ugly spirit which it reveals of a certain clerical association, would cause them to rejoice with renewed energy that they are *Infidels*, and nothing else.

In that address of sixty pages, after stating at some length, the facts in the case, I proceeded to comment on the award of the referees, a few pages of which I will here insert:—

But while I shall not call in question the honor of the referees, or say any thing disrespectful of them as *men*, yet I trust it will not be regarded as a rash or presumptuous act in me to call in question the correctness of their decision. That decision was everywhere received with surprise. Mr. Clifford assured me in a note that "the result was utterly unsupported by any just view of the law, and that Mr. Adams had sheltered himself, not under the truth of his charges, but behind a purely technical defence, which the unbiassed and *unbigoted* judgment of the community can never sanction." Mr. Curtis said to me that there was not the shadow of foundation in any law for that award to rest on,—and he added, the "referees have, in effect, said to Mr. Adams that he may tell as many lies about you as he pleases, and you can't help yourself."

I have spoken of the referees as gentlemen, and as honorable gentlemen. But they are men,—and whether their award has not proved them to be *BUT* men, I commend to your most careful and candid consideration. You have seen that award; for it has been published far and wide among you. If you have carefully considered it, or even hastily glanced at it, you could not fail to have been struck with the fact that it has but one side, and *that* against my humble self. Such I know to have been its impression on many discerning minds. You have seen,—you *must* have seen, that statements are there made so put together, as if intended to bring suspicion on me, without the statement of those facts which would remove all just suspicion. If any one present has not read that award, and therefore doubts its leaning—its *strong* leaning to one side—I commend it to his most impartial, most considerate perusal, and ask him to ascertain at his leisure, if what I have now said is not the *precise* truth. I ask you to examine and diligently search whether there is any thing in that award to throw the least suspicion on my opponent, either in purpose or in fact, notwithstanding the distinctness and the fulness of the most respectable testimony to his great, complicated, and untiring abuse of my character. On reading that award with whatever care, who would suspect that it had been proved before the referees by the testimony of Dr. Burgess, that Mr. Adams had said to him, in speaking of me, "there goes hell,"—that he had said to the same gentleman that "I was an unscrupulous man, and so accustomed to mental reservation, and duplicity, that I had ceased to discriminate between truth and falsehood,"—and that "there was nothing in the early history of the infamous Aaron Burr more diabolical than can be found in my history." On reading that award, who

would suspect that he had made the darkest part of this representation to Dr. Burgess, weeks before he wrote his Marblehead letter, in which he called me his "dear, *dear* brother," and assured me that "he was prepared to do or suffer any thing for me in any event," and that "he should weep at my injuries if I proved to be innocent, or weep at my fall?" Who would suspect on reading that award, that after saying and writing all this, and after telling Capt. Daniel Tracy, while riding with him in the cars, that "he believed me bad enough to go out of the world with a lie in my right hand," who, I say, would infer on reading that award, that after saying and doing all this, Mr. Adams had given me the assurance, once and again, through a mutual friend, that if I would come to Boston and be tried by a jury and obtain an acquittal "his pulpit should be open to me for the first," — thus pledging himself to open his pulpit to a man whom he regarded as an unscrupulous liar even in a dying hour, — as vile as the infamous Aaron Burr, — and as hell incarnate, nay, *hell itself*? On reading that award, who would suspect that it was in evidence before the referees, that Mr. Adams had said in open church meeting, that "I was the wickedest man that walked the streets of Boston?" Who would suspect that the Rev. Hubbard Winslow had testified before them, that when he told Mr. Adams that, in his judgment, the result of the council at Exeter fully vindicated me after my acquittal by the jury, Mr. Adams said to him that he differed from him, and that sooner than dismiss a member to my church, he would resign his office? Who would suspect that it had been proved before them by the testimony of the Rev. Dr. Gilbert, of Newton, that, as he had been solicited by his parishioners to exchange with me, he consulted Mr. Adams as to his duty in the matter, and that Mr. Adams told him about Dr. Hayward's affidavit to prevent him from proposing an exchange? Who would suspect that it was in evidence before the referees that Mr. Adams had written to a lady in Pittston for something against my moral character when I was in college; and when informed by her that she knew nothing against me, he had written a second time, telling her that he thought she did know something, and that it was her duty to Christ to tell what she knew, and that if she would make the disclosures, no harm should come to her; and that after all this persuasion, she still assured him of her ignorance of any thing prejudicial to my character in any part of my life? And especially, on reading their award, who would suspect that Mr. Adams had any thing to do in getting up that false and infamously scurrilous pam-

phlet,—the *Medical Fact*,—that he knew it to be false at the time of its publication, so far as it implicated me in any crime, because he had been so assured by my physician, whom he admits to be the only competent witness in the case?

And finally, who would have suspected, on reading their award, that Mr. Adams had made any attempt to palm upon me the writing of certain anonymous letters, which were not written in a disguised hand, and which bore no more resemblance to my handwriting, as Mr. Adams well knew, than to the handwriting of the Grand Sultan?

But while the preceding and other expressive items of evidence against Mr. Adams were not so much as alluded to by the referees, yet were they careful, in their award, to state matters brought before them to my injury, by the learned counsel for the defence, and against the introduction of which my counsel earnestly protested, on the ground of their irrelevancy, as having been finally disposed of, then more than six years, by a competent tribunal, and therefore as being matters which I could not possibly have contemplated as the subject of review before the referees.

There is one item introduced by the referees into their award,—and I think needlessly as well as cruelly introduced,—to which I beg leave to direct your particular attention for one moment. The matter to which I refer is to me a subject of great delicacy, and one which I should be glad to let pass unnoticed, if I could do so without injustice to myself, and perhaps to you. I allude to the manner in which the referees speak of my attempt at suicide. Every reader of their award who was unacquainted with the facts which were fully before the referees, would suppose that I calmly resigned my office as pastor of the church at Exeter, and calmly retired to my chamber, and then with equal calmness and self-possession, made an attempt on my life. The natural inference drawn from the statement of the referees, (whether so intended by them or not.) is this,—that I was in perfect possession of my reason at that time, and therefore the act may be regarded as a confession. No one would suspect that it appeared in evidence before them, unimpeached and unimpeachable, that I resigned my office at 8 o'clock on Tuesday evening,—that at midnight I was a raving maniac, and that my attempt at self-destruction was not made till Thursday morning. No one would suspect that Dr. Perry, my attending physician, had just stated to them on his oath that he had made the subject of delirium his special study for years, and that a clearer case of insanity he had never witnessed.

How uncalled for, how unjust such a reference was, thus naked and unexplained, I leave to the manhood of others to decide.

And now while I proceed to remark upon the legal opinions of the referees, I bespeak your *attentive* and *patient* ear, feeling assured as I do, that those opinions will, when the most carefully weighed, the most surely deepen your impressions of the wrongs I have suffered in the strange progress of clerical and legal doings.

In addition to what I have already said of the award of the referees, I come now to speak of a still graver part of it—a part in which, not only myself, but the *entire* community have a deep and lasting interest. And here I mean the *question of privilege*,—the privilege of saying all manner of evil falsely against one's neighbor, for the sake of God and the public welfare. In their award the referees have laid down the principle as a city of refuge for gross and persevering slander, within whose sacred gates Mr. Adams is inclosed and fortified against all pursuit,—the principle that a clerical association has full power to charge one of its members with gross crimes; to adjudge him guilty of them, and to fasten his condemnation on their records for transmission and inspection through all succeeding time, however false those charges may be, or may have been proved to be by the final and solemn verdict of a tribunal established by law for the protection of the innocent, and for the public safety;—a principle which allows a clerical association to do this and all this, without the trial of the accused, and against the ecclesiastical inhibition of such trial,—without his knowledge of the accusation, and even when such transaction is concealed from his view for years, and at last finds its way to his knowledge in spite of their vigilant secrecy. Nay more; the principle of the award covers not only this broad ground, but reaches to a yet wider extent; for it protects the leader in these clerical transactions as well *out* of the association as *in* it. For the sake of serving God, it allows him in his church, and wherever he may accost a neighbor, to reiterate and multiply his scandals without stint, and without fear of responsibility.

\* \* \* \* \*

The referees, having expressed their opinion in the abstract, about possible cases—cases that “may be,”—go on to say, as their further opinion, “that while the verdict of a jury is entitled to great weight, and ought to be regarded as *prima facie* evidence of innocence, yet that such an association is not bound to regard it as conclusive.”

*Such an association! — great weight! — not conclusive!* These, fellow-citizens, are words of grave import. Let us, then, inquire into their meaning and application. “*Great weight!*” And *where*? Is a verdict of acquittal to be so ponderous that the might of the law cannot move it a hair’s breath, and yet so very light that the breath of a ministerial club, not known to the law, can blow it away as a feather? — “*Not conclusive!*” And *to whom* not conclusive? Is a verdict of acquittal, then, conclusive in a court established *by* and *for* the whole people of this Commonwealth, and so conclusive that the people may not openly gainsay it, — may not openly falsify it; and yet so inconclusive that “such an association,” a self-constituted spiritual court, not recognized by the civil law, and carefully denied all jurisdiction by the fundamental principles of their own platform, and the settled polity of two hundred years, — is a verdict of acquittal, I ask, so inconclusive, that “such an association” may in conclave, sit in judgment on *him* who has been acquitted, reverse the verdict, and make a lasting record of his guilt? *Can* that be a true legal doctrine which so counteracts the force of law? — So thwarts common sense? — So ungospels the ministers of Christ, the disciples of Him, who when guilt was open as the day, mercifully said, “Neither do I condemn thee: go, and sin no more.”

But the referees yet further proceed, and say, “When the plaintiff asked to be restored to his standing by rescinding their record, and also requested to be recommended to another association, it became proper for them to discuss the matter, and act on it *according to their convictions of truth and duty.*”

This is, indeed, a vast principle. Certainly this law of the referees is “exceedingly broad.” I will not venture to take you, step by step, over all the ground it covers; for that would overtask both your patience and mine. Therefore, after a momentary glance over this *continent* of clerical license, I will explore with you some of its most striking localities.

This, then, is the general principle, that if any minister seeks admission into a clerical association, they may so “discuss the matter,” as to say, without restraint or limit, whatever they *may think proper* to say; and that they may “act on it,” whether by final vote or fixed record, *just as they think proper!* — or, in the tantamount language of the referees, — “according to their convictions of truth and duty!” This is breadth, — nay more, it is both latitude and longitude, with a vengeance.

And now, after this rapid *general* survey of the principle itself, I beg your attention to a few striking *particulars*, as to

the *allowed practical operation* of these clerical "convictions of truth and duty," persuaded as I am, that even a hasty glance at the *practical operation* of any principle will more forcibly exhibit its character, and more clearly develop its scope, than the wisest abstract speculation of civil or canonical doctors.

It matters not, — so the principle declares, — it matters not at all *what* those clerical "convictions of truth and duty" are, — whence they come, — whither they go, or what they do. Reasonable or unreasonable, right or wrong, with law or against law, for good or for evil, they are alike and wholly irresponsible! It matters not what prejudices bred them, — what bigotry nursed them, — what evidence they resisted, — what decision of court they annulled, or what verdict of jury they falsified. It matters not what interest they mar, — what character they defame, — what calling or business they ruin, — what church or society they molest, — what individual they harass and prostrate, or what family they afflict with deep and lasting distress! No, no matter — none at all! The law — (so the referees gravely assure us) — the law sits calm, and self-complacent, and dignified, and unconcerned, — wholly indifferent to all wrongs and all griefs, — yes, and all insults to the solemn verdict of its own sanctuary, — *provided* the clerical association who do these wrongs, inflict these griefs, and mock the majesty of law, — commit such outrages on common sense "according to their convictions of truth and duty," or, in other words, according to *what* ever is "right in their own eyes."

Hitherto this sweeping license to clerical associations has been shut out of our borders with a care and a decision which have both expressed and preserved the deep moral sentiment of the people within those borders. Our civil and ecclesiastical institutions have been at all periods, a discouraging bulwark against the intrusion of such license. The genius of the Commonwealth has sternly rebuked every aspiration for a power so adverse to what she has most loved and cherished. In no part of Massachusetts, in all its history, has there been, till now, a more constant or a more clear-sighted vigilance against the stealing in of such a power, than here, in your world-known metropolis. Without this deep-rooted principle of hostility to unmixed and unchecked clerical power, the light which has beamed from this spot on all nations, had never shined, and the deeds which have made its name imperishable to the end of time, had never been done, — no, *never*! We feel too sure of the glory of the past, and too richly the enjoyment of the present, to be provident enough for the future. The time may

come, and its silent step may not be far off, when there shall be felt a need, greater than we can now feel, of all those guaranties of civil and religious liberty which our fathers were so wise to establish, so vigilant to guard, and so self-sacrificing to defend. It is a thousand fold easier to keep them when possessed, than to regain them when lost. Who knows the end,—who can foretell the result of a decision, which, if sustained, will stand as a recorded legal precedent in favor of secret *ex parte* clerical power over verdicts of juries and constitutions of government,—a clerical power *limited only by its own* “convictions of truth and duty?” “God save the Commonwealth of Massachusetts” from the rank injustice and the certain perils of such *juridical law*!

\* \* \* \* \*

I wish also to express my gratitude to those editors and conductors of the public press, who have kindly aided me by proclaiming to the world that my rights as a citizen—not to say as a clergyman—have been most unjustly invaded, and most wrongfully attempted to be wrested from me. Gentlemen of the press—should any of them be here to-night—from the bottom of my heart, I thank you.

But to none do I—*can* I—ought I to feel so truly grateful, as to those men and women, the members of my church and congregation,—those true-hearted friends who stood steadfastly by me in the midst of my severe trials and persecutions, when summer friends deserted me, and whose confidence in me was then, and still is unshaken and undiminished, and who now feel that those awful disclosures, so confidently predicted as coming out against me in the late trial, have proved to be awful disclosures of the deep-laid schemes and disgraceful efforts of my enemies to blast my reputation, and drive me out of my Master's vineyard, and out of the pale of all Christian and reputable society.

Friends and fellow-citizens, in my statements in this address, I have not hesitated to speak plainly of the course of Mr. Adams, the unwearied and unrelenting principal in these transactions. Nay, more; I have been compelled so to speak. Am I not right in so speaking? Should I not be false to myself and false to justice not to speak out in such a cause? I have said these things “more in sorrow than in anger;” and I appeal to you whether I am not justified in stating the complicated and unbecoming ways in which, for many, many years, he has sought my earthly ruin, with a perseverance

which has never tired, and a vigilance which has never slept? Does Mr. Adams say, — does any one say *for* him, that he was honest in his belief and conscientious in his duty whilst dogging my steps from youth to manhood, from State to State, and from year to year, without respite, and without mitigation of his obstinate purpose? Yes, and what is more, constantly renewing his efforts, and unwilling to desist, even after finding no charge sustained against my moral character in any place — by any person — at any period of my life. What! Shall all this persecution, having all the aspect and all the effect of cruelty, be sheltered under the plea of honesty, the rights of conscience, and the holy love of doing good? Can such a plea avail him in the sight of religion? Shall it satisfy the claims of common sense? What, I pray you, is religion worth, — what is man's understanding good for, if both or either of them justifies at all, or does not wholly condemn an obstinacy which defies evidence, — an honesty which regards neither the dictates of truth, nor the first and plainest principles of natural justice?

And now, fellow-citizens, permit me to say, in conclusion, that in presenting my case before you, I have endeavored to do my duty; nothing more — nothing less. I have endeavored to do it all along. I have, in no instance, been the aggressor. I have simply acted on the defensive. I felt as much bound to protect my reputation from unjust aspersion, coming from so high a source, as to protect my person and my life from the dagger of the assassin. I felt it an imperious duty to resist, when men of high standing in the community were striving to rob me of that priceless jewel — *a good name*. And I still intend to do my duty according to the best of my ability, notwithstanding my little property has been exhausted, and more than exhausted in the unequal conflict with wealth and power. Having vindicated my character by forcing my accuser to shield himself, not behind the truth of his charges, as he would have done, had there been any valid evidence of their truth, but behind the law of *privilege* to libel and slander me, — having done this, I say, I ought not — I *do* not think much of the loss of my worldly substance. And were it not for a dependent family, and certain obligations justly due, I should not think of it at all. With that help which comes from God's unforeseen providence, and which, though not seen, the weak are encouraged to rely on, I shall press this matter to the utmost limit which the principles of the gospel and the laws of my country will allow. Gentlemen standing at the head of the legal profession, have assured me that the record of the Association, which I have been seek-

ing to get rescinded, is a *perpetual* libel, and that no statute of limitation can protect its authors or retainers before a judge and jury. I shall not cease my efforts to have that record erased, that the book, which contains it, may tell the truth, and not a lie; a book open to the inspection of every new member, and liable to be cited as authority to the end of time.

But perhaps you will say, Why persevere in this unequal conflict with wealth and power? Why not give up the contest, when the odds are so fearfully against you? Why? Because it is my *sacred right* that that false and infamous record be rescinded, and my *sacred duty* never to cease my efforts so long as it remains unrescinded. And in these efforts I shall persevere while life and breath remain; and if I fail, I will leave it, when dying, as a legacy to my children.

Fellow-citizens, you have heard my simple story, my plain reasons, and common sense principles, on whose united strength I rest my hope of your just sentiment and corresponding sympathy in behalf of the cause which, single-handed, and with exhausted funds, I am called to vindicate against the advantages of wealth, of social position, of busy prejudice, of public and private calumny, and of temporary success. But though cast down, I am not forsaken. God has laid the foundations of justice too broad and deep for the utter discouragement of a righteous hope. This night bears witness to the hand of that Providence which reaches, as in the blaze of noon, what, to the purblind eye of man, is wrapped in the deep darkness of midnight. There *is*, indeed, a *spirit* in man, and verily the inspiration of the Almighty *hath* given him *understanding*; and never is that spirit and that understanding so wisely employed as in watching and admiring the developments of his Providence according to the established laws of his realm, both of universal matter and universal mind. The laws of our moral being are the laws of God, and, when duly pondered, are marvellous in our eyes.

In accordance with those laws, written on all hearts, the rights which I have here asserted as my own, are *more* than mine. No man's rights are solitary. The claims of justice are isolated to no man. They are not the less *common* because the more *individual*. The golden chain which encircles humanity, if broken anywhere, is whole nowhere. If my own special occasion and private need have compelled me to invite your presence and invoke your aid, it is some relief to this personal humiliation, that *public* as well as private justice speaks through me. I could not consent to be here if my cause or my

heart were alone. The wide world would be but a prisoner's cell, which the fulness of the world would make yet more a solitude, if my own claims of justice found no responsive echo from the voice of surrounding humanity. But I *know*, and it is my unspeakable *joy* to know, that I am *not* alone, — that I am compassed by no such desolation. I *see*, I *feel* the evidence that the sentiments I have here uttered, and the principles I have here declared, are *your* sentiments — are *your* principles, and that, therefore, *my* wrongs and *my* griefs, however much my own, are, in a measure, *yours*. Your kind presence, your earnest attention, your visible emotion, all, all tell me of your apprehension for all rights when molested in the person of the humblest individual. Yes, what I witness here this hour, gives me perfect knowledge that, great as is your habitual, inbred respect for law, it disappears, — it vanishes, — it turns to hate, when law and justice are antagonists to each other. I freely confess — I cannot withhold the confession, for it leaps from the abundance of my heart — that I *am* moved, *greatly* moved by that prevailing sense of right, whose united expression strengthens the principle of right in the heart of every individual, and thus makes it the common strength of all. I am, this moment, more than ever conscious of the might of truth and the majesty of justice, when I thus see them presiding at once, over the convictions of the understanding, and the sympathies of the heart. I feel more than ever overcome, and yet more than ever lifted up, by a sense of His goodness who has fixed in the bosom of human nature, this watchful safeguard of its everlasting necessities. I feel, as present, the upholding hand of Him who teaches, by this lesson of his Providence through you, that there is, in all our race, a power to understand and a necessity to approve those eternal principles of justice, without which man cannot be man, nor God himself be God.

Fellow-citizens, ladies and gentlemen, friends and strangers ! I thank you all, — I thank you more than I can tell, — for your patient ear and earnest heart, while I have so long detained you on a subject which has no attraction for you or me, separate from the claims of justice which humanity everywhere is privileged to respect. In return for all this kindness, I can offer you, in addition to my hearty thanks, nothing but my earnest prayer that prosperity may abide in your lot, and that in adversity, should it ever overtake you, you may have the strong support of a clear conscience and an approving God.

The delivery and subsequent publication of this

address produced the most happy results to me, but most disastrous to my opponent, as any one might see, unless his eyes were closed and sealed.

---

## CHAPTER XXVI.

THERE is one thing contained in that award which claims *special* notice. Instead of inserting in their award, the preamble and vote of January 7th, 1845, which states the ground and the specifications of my suit against Dr. Adams, and which the Association refused to rescind by solemn vote, July 10th, 1849, the referees pass that over in silence, and proceed to quote from the book of records, another preamble and vote, which I did not know was among their recorded doings, till the trial had commenced. In order to show the reader what a stupendous fraud had been practised on the referees in the copy of that preamble and vote which was furnished them for their guide, I will here quote that portion of it which exhibits the fraud in the most appalling light:—

Whereas, in the opinion of the Association the preamble and vote of 7th of January, 1845, in the case of Mr. Fairchild, would better express what were the views of the Association, should the language of the result of the Exeter council be strictly followed in said preamble and vote, therefore, voted, that said language be introduced into said preamble and vote so that they shall read as follows:—

Whereas, an ecclesiastical council held at Exeter, N. H., in July last, for the purpose of hearing and examining certain charges against the moral character of Rev. Joy H. Fairchild,

a member of this Association, and at that time pastor of the first church in Exeter, at which a committee of this Association was present, did declare their deep conviction that Mr. Fairchild cannot be innocent in this matter concerning which he was charged; and did on this ground declare that unless he can present a clearer vindication of himself before some tribunal more competent than ourselves to compel the attendance of witnesses, and the utterance of all the truth, he ought not, and so far as our decision goes, does not, longer hold the place of minister in the church of Christ."

Near the close of the result of the Exeter Council, the reader will mark the sentence, "*and till such act be done,*" commencing immediately after the words "utterance of all the truth." The sentence is, indeed, a short one; but it is full of meaning. *It is the very hinge on which the true import of that result turns.* But it would seem that the eyes of the referees were not permitted to see it. And yet those gentlemen find it stated in the preamble and vote that "the Association are following *strictly* the language of the result of the Exeter Council!" When I pointed out this omission to the Rev. Mr. Kirk, in an interview with him in February, 1854, he could not believe it possible. He said he thought it must be a mistake of the printer. At his suggestion, I went directly to the clerk of the court, and requested permission to look at the award of the referees. But alas! on searching it, I found that the printer had made no mistake. Now the question comes up here with irresistible force, who gave the referees that false and garbled copy, assuring them that "the language of the result of the Exeter Council was *strictly* followed" therein? Will the referees assume the responsibility of the omission? or will Mr. Choate, or Mr. Hubbard? Or must it rest on Dr. Adams? If any one else is the guilty man, and is willing to burden himself with such a weighty and disgraceful responsibility by an open

avowal of the fact, he is perfectly at liberty to do so. I, for one, shall not envy him the honor. And if it be indeed true that a *clergyman* perpetrated the fraud, I would advise him neither to preach nor to speak any more against the tergiversations and crooked doings of pot-house politicians.

After this address had been so widely circulated and so extensively read, and the press in noticing it, had rebuked Dr. Adams in such thunder tones for the manner in which he had persecuted and slandered me, I did think that *his love of self*, if nothing else, would never allow him again to use his tongue or his pen to my injury, and that whatever amount of malice he might have harbored towards me, would be either exorcised, or henceforth shut up and closely confined in his own breast. More than two months having passed away, and hearing nothing from him or his friends in relation to my address, we concluded that he had indeed laid down his arms and given up the contest. We then began to move, though very cautiously, towards securing a suitable site on which to erect a church edifice; and on the last Sabbath but one in May, 1852, I had the pleasure of announcing to my congregation that I had obtained a site which I deemed quite as eligible and desirable for such an object as any other in South Boston. On Wednesday evening of that very week, another scheme for my ruin was developed; and we soon learned that Dr. Adams was deeply concerned in it. As this will doubtless be regarded by the reader as one of the most "remarkable incidents" in my history, it will be proper that I should go into the matter somewhat in detail.

Mr. Reuben Hunting and Sarah, his wife, were then members of my church, but had removed from South

Boston in the fall of 1849 to reside in Newton Place, a few doors from Beach Street, near Washington Street. On the Wednesday evening referred to, he had invited the leading male members of my church to meet at his house, on business, as he said, of great importance. As most of the brethren were previously engaged, only three accepted the invitation. Soon after their arrival he proceeded to let them know what the business was by reading a paper signed by his wife, stating, in substance, that she called at my house in August, 1849, and that I insulted her, and mentioned certain transactions, though very particular to say that there was nothing criminal. As soon as the paper was read, the brethren very freely expressed their opinion respecting it, — that there was no truth in it, — that it was so improbable and inconsistent as to carry falsehood on the face of it. And when they left they took the paper to bring to me, as it was their duty to do. Mr. and Mrs. Hunting requested that they might retain the paper awhile in order to take a copy, as they had none. This request was granted, on the promise that they would return it to one of the brethren, who agreed to call for it on Friday morning. The brother called at the appointed time; but they utterly refused to give up the paper. They admitted the promise, but said they had taken advice, and changed their minds; and finally told the brother that they could not give it up, for it had been destroyed. He wished to know who had given them such advice? But they were not inclined to tell him. He, suspecting who it was, asked them if Dr. Adams was their adviser? Here they demurred. But he pressed for an answer. At length they replied that "Dr. Adams had advised them, and told them it was very important that they should know what the law

was on the subject." It would seem, then, that Dr. Adams thought the *law* required the destruction of the paper. Did *equity*, or *honor*, or *honesty* require it?

As soon as the matter was stated to me, I went directly to my lawyer, related the circumstances to him, assuring him that I could submit to such treatment no longer, and that I wished him to make out a writ against Mr. and Mrs. Hunting, and bring them before a civil tribunal to answer for their crime. But when he suggested that my enemies would say I took that course as a specimen of my cunning, as I well knew that in court she could not utter a word, and that I had commenced a prosecution for the purpose of closing her lips, and as there was no other witness, I should get the case, though ever so guilty. I then felt obliged to commence the usual process of church-discipline; and the preliminary steps having been taken as the gospel directs, she and her husband were summoned to appear before the church on the evening of June 9, to answer to the following charges, which had, in due form, been preferred against them, namely, "*falsehood, slander, and a violation of their covenant vows and obligations.*"

It cannot be interesting to the reader, nor essential to a right understanding of the merits of the case that I should here give a particular account of the process of discipline,—such as the appointment and reports of committees,—the citation and appearance of the delinquents before the church,—the result of the examination,—their suspension from church-membership,—their application for a mutual council, and its refusal by the church. To go into a detailed account of these matters would be quite insipid to the reader, and give him no light on the subject which he will not derive from a perusal of the two protests which follow, and which I beg him to read with care; for all that is essen-

tial to a full and correct knowledge of the case is clearly stated in those two documents. I will, however, just mention the fact that Mrs. Hunting, in defending herself before the church, had not finished her first sentence without distinctly stating that Dr. Adams was her spiritual adviser. She spoke of it in such tones and with such an air of confidence as seemed to say, "Go contrary to his advice, if you dare." Suffice it here to say, that as the church refused a mutual council, Mr. and Mrs. Hunting having made Dr. Adams their spiritual adviser, in due time called an *ex parte* council, of which we, however, knew nothing till Friday evening, September 24, 1852, and the council was to convene the next Wednesday, at 10 o'clock A.M.

The following is a true copy of the letter missive:—

BOSTON, Sept. 22, 1852.

TO THE — CHURCH, BOSTON:—

Dear Brethren,—The undersigned, having recently been suspended by the Payson Church, in consequence of charging the pastor, Rev. Joy H. Fairchild, with immoral conduct towards one of us, and having been denied a mutual council to investigate our case, hereby request you to meet in *ex parte* council, by your pastor and a delegate, to hear our statement, and determine whether we have been justly deprived of our church standing, and thereby excluded from communion and fellowship with other churches.

The council will meet in Boston, on Wednesday, September 29th instant, at 10 o'clock, A.M., at No. 13 Beach street.

The churches invited are

Old South Church, Boston,	Rev. Dr. Blagden.
Essex street " "	" " Adams.
Bowdoin " "	" " Waterbury.
Salem " "	" " Beecher.
Mt. Vernon " "	" Mr. Kirk.
Park street " "	" " Stone.
East Boston " "	" " Clark.

Wishing you grace, mercy, and peace, we are

Respectfully,

Yours in Christ,

REUBEN HUNTING.

No. 12 Newton Place, Beech street.

SARAH HUNTING.

The council met agreeably to the above request, and appointed Dr. Beecher as moderator, and Mr. Clark of East Boston, as scribe. As soon as the council was ready to proceed to business, Mr. Calvin Walton, clerk of my church, and chairman of the committee, presented to the moderator the following *protest* : —

At a meeting of the Payson Church at South Boston, held on the evening of the 28th day of September, 1852, the church voted to adopt the following Protest, to be presented to the *exparte* council, called by Reuben Hunting and Sarah Hunting his wife, as appears by a copy of a letter missive sent to this church, should such council assemble.

To the moderator and members of the *exparte* council, so called, convened at No. 13 Beach street, Boston, on the 29th of September, 1852, by request of Reuben Hunting and Sarah Hunting his wife.

We, the Payson Church in South Boston, in the exercise and maintenance of our rights, hereby *protest* against any supervision, review, or other ecclesiastical action whatever being had by you upon the case of Reuben Hunting and Sarah Hunting, as touching their suspension from membership with us, inasmuch as such council is neither competent, nor has it just occasion to pass upon, or in any way interfere with, our action in said case.

It is needless now to detail the reasons, including the abundant and decisive evidence which governed our final action in the aforesaid case, a *part* of which reasons and the nature of which evidence, are summarily stated and characterized in the communications duly made from time to time to Mr. and Mrs. Hunting. But we, the church, would remark, that, whatever authority, approved precedent, or necessity may seem to justify or demand the interference of an *exparte* council righteously composed, for the relief of plain or probable hardship, no authority, approved precedent, or necessity whatever, can demand or justify the interference of an *exparte* council in the aforesaid case of Mr. and Mrs. Hunting, who have never, to our knowledge, complained of irregularity in the process of discipline against them, nor of a severity, in their suspension, disproportionate to the offences charged against them, and whose offence against the plainest rule of Scripture and their own covenant obligations, was not only clearly proved, but admitted and per-

sisted in, in presence of the church. It may be proper to add, that the vote sustaining the charges against Mr. and Mrs. Hunting, (which were three in number,) was passed at an unusually large meeting of the church, and with entire unanimity, after both parties and various witnesses had been fully examined and heard.

Nor is this all; for in respect to the imputed misconduct of our pastor, while the story of the principal accuser, told by her to the church, was not only improbable, inconsistent, and contradictory in itself, but wholly irreconcilable with other statements made by her elsewhere, to divers other persons, — such imputed misconduct could not have been scripturally or ecclesiastically found to be real, on the testimony of Mrs. Hunting alone, (who was the only authority pretended in the allegation,) even if her story were consistent, and her veracity unimpeached. (1 Tim. 5 : 19.)

The case being, as above comprehensively stated, and the church being so clearly and unanimously convinced of the same as to need neither “light nor peace” on the subject, a *mutual* council even, would, in our estimation, have been uncalled for, superfluous, and of evil tendency.

And we, the said Payson Church, do accordingly hereby protest against any interference of any *ex parte* council in the case of Mr. and Mrs. Hunting, as disorderly, arrogant, and subversive of the rights, liberties, constitutional jurisdiction, and settled usage of the churches.

We might speak at large of the extraordinary and unwarrantable composition of the council, — of the undue haste and insufficient notice of the time, place, and purpose of its meeting, — and of other matters, which, in their strong combination would go to demonstrate the gross impropriety of its existence and contemplated action, as well as its utter incompetency to do any thing in the premises; but as time presses, and as matters now are, protesting as above, and waiving no rights, we do but barely mention and suggest, in general terms, *some* of the *many* considerations which might be more distinctly stated, and more specifically enlarged upon, to persuade, if not to deter the council from the impertinent business it may assume to entertain and act upon.

In conclusion, we, the Payson Church, reaffirming our own acts as proper, being within our own jurisdiction, — and as righteous, being in conformity with the truth, would renewedly protest against any action of said *ex parte* council, so called, both as incompetent and as having no occasion therefor; and in

no way yielding our own rights or authority, but with Christian fidelity, admonishing of responsibilities, and forewarning of consequences, would submit the foregoing.

This protest was presented to the moderator of the *ex parte* council by the clerk, as directed.

A note was soon received from the scribe of the council, informing me and the Payson Church that the council had adjourned for two weeks to afford the church further opportunity to communicate their views to said council.

Neither Dr. Waterbury nor Mr. Stone had any thing to do with this council. They did not consent to become members, nor did their respective churches appoint delegates. As the letters missive were read in the church prayer-meetings on Friday evening, the editors of several of our papers soon learnt what was going on, and some of them were unsparing in their censures on Dr. Adams for presuming to sit as a member of an *ex parte* council to adjudicate any matter relating to my interest, however remotely, giving him distinctly to understand that any decision unfavorable to me from *such* a council would have little weight in this community. The pressure of public sentiment came upon him so heavily, that when the council assembled he sent a note to the moderator, stating, that for obvious reasons, he withdrew from the council. After advising and assisting in its formation, and getting them together to do his ungracious work, he absented himself, and left the other four clergymen, with all the delegates, to do his bidding. But it is worthy of remark that his delegate did not withdraw. In relation to this matter, a correspondent sent a brief communication to the *Transcript* in defence of Dr. Adams, from which I will here quote a sentence or two. "By Congregational usage, those who call a

council invite whom they please, and no person becomes a member of the council till he accepts. In the case referred to yesterday, Dr. Adams was invited, but when the council met yesterday, a letter was received from him declining to act upon the council, and he has not been a member." Whoever wrote this, was either himself deceived, or he meant to deceive others; for nothing can be more susceptible of proof, without regard to the testimony of the Huntings, than that Dr. Adams was the prime mover in the whole affair of that council,—that he consulted some, at least, of the pastors about the matter, before they were invited, and one of them, who became a member, advised Dr. Adams not to have any council called. A member of his own church told me that he was present when Dr. Adams read the letter missive, and that he advocated the appointment of a delegate, and stated that it was a proper occasion for an *ex parte* council, and referred to the Cambridge platform as his authority.

When the council met at the end of two weeks, only one clergyman was present,—the Rev. Dr. Blagden; and he was appointed moderator *pro tem*. The Rev. Mr. Clark, the scribe, sent a letter to the council resigning his office and withdrawing his membership. The Rev. Mr. Kirk also sent a similar letter, which he afterwards gave me permission to read, and which met my approbation. So that, at the second meeting of the council, there were only two clerical members, and one of them was absent. The council again adjourned for two or three weeks, thus keeping the matter in a state of suspense before the public mind, greatly to my injury.

The council met for the third and last time on the 13th day of October. Mr. Clark had been prevailed on to return to the council and resume his office as scribe;

but he went back, as he told me, to oppose them, and prevent their doing what he clearly saw, was a great wrong. And I would hope that Dr. Blagden remained a member of the council for the same purpose, as his conduct towards me has since been uniformly kind and courteous.

---

## CHAPTER XXVII.

THE church sent a committee of three to attend this session of the council to watch their doings, and to present a second protest. I also requested one or two reporters to be present, that the public might know what was going on. But the reporters were excluded, and so were the committee. They were not permitted to remain even to hear the reading of their own protest, which is as follows : —

The Payson Church would, with due respect and fidelity, hereby represent to the *exparte* council, so called, which stands adjourned to meet on the 13th instant, at No. 3, Beach street, Boston, that this church has had quite too much annoyance already, from a meddling interference of its neighbors, and especially from certain not very neighborly ministers, to brook its renewal, in its present aspect, with tongue-tied patience. And yet we hope not to be betrayed, by any past or present wrongs, however perversely inflicted, into any statement, or the use of any language, which plain facts will not warrant, or the extraordinary occasion does not evidently justify and demand.

It is not the purpose of this church to enter upon, or in any way encourage a protracted ecclesiastical controversy with any churches or ministers who may have a disposition for unprofitable strife ; but rather by a timely, faithful remonstrance and protest against irregularity, usurpation, and manifest injustice, to terminate a controversy which we apprehend the *exparte* council and its busy fomenters would have been wise to have

left off before at all meddling with it. Our interest is *peace*. Our disposition favors it. Our present manifest duties require it. Our comfort and usefulness depend upon it, and, we think, the comfort and usefulness of our clerical and ecclesiastical neighbors will be not less promoted than our own, by seeking the things which make for peace, and things whereby one may edify another. We seek our own proper edification as a first duty. We have no superfluous energies to waste abroad with any who may seek occasion to withdraw us from hopeful prospects at home. We have, with solemn deliberation, undertaken a work which, with the divine favor, we intend earnestly to pursue to its completion. If called, for a brief time, from so cheering a duty, to remonstrate and protest, once and again, with becoming self-respect, against the intrusion of an *ex parte* council into affairs not their own, and for which they are in many ways incompetent, our remonstrance and protest being made, we hope to resume our work at home, leaving those who *will*, to be busybodies in other men's matters, though waiving no right to hold them to their proper responsibilities, as future discretion and duty may determine.

Our former protest was brief, though, we trust, not uncomprehensive or inexplicit. The exceedingly short time, (three secular days,) between the notification to us of the meeting of the council, and its actual meeting, seemed as if designed to prevent an adequate opportunity for our deliberate and prudent action in defence or assertion of our inherent and constitutional rights; and especially inadequate to collect the witnesses, procure the written evidence, collate authorities and precedents, and make other due preparation and arrangement for an elaborate investigation, if thought proper, before a body so remarkably, not to say unscrupulously, composed.

The adjournment of the council, however, affords us an unexpected opportunity to renew and extend our protest by these presents, perhaps the last *ecclesiastical* expression to the council of the strong sense we entertain of our own rights and liberties, or of their unwarrantable assumption of oversight and authority in such matters.

It is very true, and a truth not to be suppressed, that this church entertains no very sanguine hope that a council so constituted and so arranged, will so lay aside their habitual feelings, or so postpone their foregone conclusions, as to pause at any principles however plain, or any truths however forcible, which may admonish those feelings, or thwart those conclusions.

The possibility of a useful effect, sometimes justifies an un-

promising experiment, and the endeavor which is desperate in respect to those most concerned, is often the more beneficial to others more remotely interested. For both these reasons, as well as from a proper self-respect and a due regard to an intelligent Christian public, we now proceed to set forth in, and as a part of, our protest, the following facts and considerations, as a portion and sample of what we might detain and weary the council with.

1. The *time* when this fresh experiment to vex and annoy us was undertaken. It is widely known that in January last, our pastor, the Rev. Joy H. Fairchild, delivered in Tremont Temple an *address*, which was afterwards extensively diffused in pamphlet, in which he effectively narrated many most remarkable proceedings, ministerial, associational, ecclesiastical, and civil, by which he, with many others, thought himself oppressed, in order that he might obtain necessary pecuniary means for just legal relief and redress. In the course of his address he had occasion to narrate many facts tending directly to exculpate himself, and incidentally to develop the strange doings of others. It was an address which, we think, his opponents would find exceedingly difficult to gainsay or resist. At least so have thought very many careful and discerning readers of the address. Those who were most impugned by it were sufficiently discreet to let it alone, notwithstanding its manly, Christian character, its sure tendency, and its noticeable effects. Its facts were too true, its principles too plain, and its logic too demonstrative to be answered or tampered with. In short, it did not fail to operate to a considerable extent, and by its own force, to disarm prejudice, and greatly modify or entirely change an unfavorable public sentiment towards its author. Spreading wider and wider, though by slow degrees, it awakened new and generous sympathies both towards our depressed pastor, and his straitened flock. This returning light gave us new courage. Our place of worship, though hallowed by tears, and by many endearing associations such as prosperity seldom or never creates, was yet inconvenient, and in many respects inappropriate to those demands of public sentiment which must be measurably complied with, in order to secure a larger and more useful influence in a portion of the city needing more ample and seasonable provision for its increasing population.

After much careful consideration, we resolved to do what we could to provide a place of public worship more suitable for our own accommodation, and less discouraging to the growth and prosperity of our church and society. Accordingly, we deter-

mined, doing our *own* utmost, to solicit help from others more prospered than ourselves. We made arrangements to procure an eligible site for a church, which we have since obtained. We authorized and requested our pastor to solicit contributions, a work which he commenced with too much success to be well-pleasing to old and obstinate resentments. It was soon busily whispered, by those whose friendship we had most reason to distrust, that if we would get rid of our pastor, help should not be wanting, — terms which we were by no means disposed to comply with. In the midst of our plans and pursuits, this new vexation was sprung upon us, and, if the strong language of the nominal principal in the transaction may be relied on, by the artful endeavor of an inveterate disturber of our peace. Leaving, then, the consideration of the *time* of this new outbreak to its own just force, whatever it may be, and merely adding that its occurrence was not till nearly two years from the pretended occasion for complaint, as first alleged by the principal in the accusation of our pastor, we now proceed to state summarily, yet substantially, our action, with its reasons, in the discipline complained of to the council in the case of Mrs. H — alone, as the vindication of our course in respect to the *principal* in the accusation of our pastor will leave no ground of complaint for the suspension of her *accessory*, her case occupying all the ground covered by his, as may be seen by their joint letters missive, for an *ex parte* council, in which they in part truly set forth both our *action* and its *cause* in the following words, namely: — “The undersigned having recently been suspended by the Payson Church, South Boston, in consequence of charging the pastor, Rev. Joy H. Fairchild, with immoral conduct towards one of us.”

The misconduct thus charged as immoral, is not pretended to have been criminal, or to have been with criminal intent. Indeed, such intent is virtually and strongly denied by the principal accuser, by the declaration that she made an unsuccessful experiment on his virtue, “to ascertain how far he would go!” a declaration which, if it does not shock the *ex parte* council, and cast a dark shadow on all her testimony, *did* shock this church, and, confirming other grounds of distrust as to her veracity, cast discredit on her whole story as to the offence charged.

By our covenant, if a private fault has been committed by any member, (and a pastor's membership, actual if not formal, is recognized by an established and long-settled principle of Congregationalism,) that fault may not at once be divulged, nor until after the failure of a more private procedure wisely pre-

scribed by the acknowledged Head of the church. This is the ecclesiastical rule in respect to at least all *private* offences. In respect to crime, however secret its perpetration, the criminal law of a State takes a more summary course, and if the crime is legally established, and the criminal is a member of a church, such church, assuming that the crime is already divulged and established, may if it see fit summarily proceed to inflict due censure on the offender, and to cut him off from their fellowship. Such is the distinction between the civil and the ecclesiastical code, — a distinction in either case evidently wise, each method of procedure being adapted to the nature, objects, and necessity of the community for which their several codes are ordained.

But in the ecclesiastical case in question, it is not pretended that the rule prescribed by the Saviour has been complied with. On the contrary its violation is distinctly admitted, and attempted to be justified by the nature of the alleged fault, and the official character and relations of the alleged offender, — an exception for which, if the offence were actual, no provision, explicit or implied, is made by the supreme ecclesiastical law. That law, then, being our guide, our action in accordance with it cannot be impugned without impugning the law.

But if an exception, so explicit and express as to be unquestionable, really existed in respect to official delinquency, still the accusation would be irregular and inadmissible on another ground too clear and palpable to be creditably misapprehended. Indeed, so well known and obvious is that ground, that in ordinary cases we could have no occasion to mention it, much less to defend it before a council of pastors and delegates of churches. It would be almost an affront not to presume that it is anticipated by such a body. We offer, however, no apology for expressly stating both the rule and the principle of the rule, as it is laid down in Scripture, as to the case of a minister of the gospel. "*Against an elder receive not an accusation, but before two or three witnesses.*" (1 Tim. v. 19.) By the term *elder*, according to the general understanding of the term, is included *the pastor of a church*.

The rule, then, is explicit, unqualified by any exception, and so plain that the great body of expositors of the New Testament, in all countries and periods, and of all denominations of Christians, declare its meaning as with one voice. But if this rule of Scripture had been questionable, or even if, by universal consent, no such express rule of Scripture existed, it would yet be a plain conclusion of common sense and ordinary discretion, that the *principle* of the rule should operate to establish the

practice which the rule itself so expressly enjoins. This principle is so clearly and comprehensively stated by Dr. Doddridge, in his Exposition of the New Testament, that we will here cite in full his own words, not doubting that his explanation of the rule and the reason of it, is the irresistible conclusion of every unbiased and considerate mind. Speaking of elders, and citing the words of Paul, Dr. Doddridge says, "great care should be taken that their reputation, on which their usefulness will so much depend, may not be lightly impeached. Accordingly *do not receive an accusation against an elder, unless on the testimony of two or three credible witnesses,*" for the single report of any one person is not material enough to set against the word of an elder, maintaining his own innocence. (See Fam. Expos. on 1 Tim. v. 19.)

The rule, then, being plain and indisputable, and the reason of it being clear and cogent, it as clearly follows that an accusation, not corroborated by other testimony than that of the accuser, is a violation of the spirit and obvious intent of that rule. The end for which the rule is given, is plainly nothing else than the reasonable and just protection of character; and, in its proper application to that end, it forbids any and all impeachment, whether by the church collectively or by any individual member of it, without the concurrent testimony of the prescribed number of witnesses. The letter of the law shows the spirit of the law. The letter of it is, "Against an elder *receive not an accusation,*" etc. That which cannot be ecclesiastically *received*, cannot be ecclesiastically *offered*; for if its reception is forbidden as unjust, or as tending to wrong, its presentation is likewise forbidden, as having the same injurious effect or tendency. Such an accusation, therefore, is unlawful, and, as such, is a censurable offence.

Does any one object, that we claim for our pastor *a clerical or official privilege*? Our answer to such a question is, that the exaction is not ours, but the gospel's. If the law is plain, and its import obligatory, we have no alternative. Duty, then, is not a matter of option, but of prescribed authority. But though the rule is explicit and mandatory in respect to elders or ministers, the due *practice* in respect to *all* members of the church is the same, as laid down by acknowledged congregational authority. The first article in the Congregational Dictionary, recently commended to the public by the moderator of this council, opens as follows, namely: "Accusations in discipline should not be received, unless on the testimony of two or three witnesses." The authorities there cited in support of this uni-

versal rule, are *Goodwin's Church Government*, p. 129, and *Mitchell's Guide*, p. 103; to which may be added *Mather's Ratio Disciplinæ*, p. 148. A like universal rule governs the practice of the four thousand Presbyterian churches in the United States.

Was, then, the accusation by Mrs. H—— a censurable offence? This depends, ecclesiastically viewed, on the number of witnesses to accredit and corroborate her own testimony. Were there two? Was there a solitary one? Confessedly she stands alone, with no support whatever; no, *not even the support of a consistent or probable story.*

We cannot reasonably suppose that Mrs. H—— was ignorant either of the plain rule of Scripture, or of her own covenant engagement. The presumption, in every church, in respect to each and all of its members, is, that duties plainly taught and voluntarily assented to, are sufficiently understood to be duly practised. But if, in the case of Mrs. H——, there might have been room to entertain a doubt of her unaided capacity to understand her acknowledged or assumed obligations, yet as she professes to have put herself under the special care of the Rev. Dr. Adams, as her select spiritual adviser in regard to her scriptural and covenant obligations, we are not permitted by ordinary rules of action, to entertain those scruples which in some other extreme cases might claim our indulgence. But even if she had been misled in her application for spiritual advice, to one who was so conversant with, and had taken so deep an interest in our affairs, still we could not see any occasion for the plea of ignorance while persisting in her irregular course after due admonition of her error.

Plainly, then, the offence for which Mrs. H. was suspended from our fellowship was fully sustained, and who shall say that this church might not so declare, or might not determine what, or what measure of censure her manifest offence claimed? To wrest the matter from their hands, or in any way to weaken those hands, even by a seeming doubt of due authority or the just and proper use of it, would be rash, arrogant, and altogether reprehensible on the part of any council, however composed, who should assume or presume so to interfere and intermeddle; and what measure of condemnation and indignant rebuke would be too severe, for such arrogance and presumption on the part of an *ex parte* council so sorted and composed as the present, further developments in this protest may, perhaps, suggest to any whom discretion has not utterly forsaken.

To all this we may more distinctly add, that the church sitting

as the only competent jury and tribunal in the matter, were convinced by evidence to us perfectly conclusive, that the principal accuser was not to be credited for the statements which she made, while we were fully satisfied, upon the most careful examination of all the evidence, that Mr. and Mrs. H. had been not only guilty, and grossly and knowingly guilty of slander and falsehood, but as grossly and knowingly guilty of violating their covenant vows, not merely by a breach of the law regarding accusations against an elder, but by keeping their pretended wrong and grievance from the knowledge both of the pastor and of the church, for nearly two long years, according to their own showing, and then, which was far worse, by retailing the slander to those who were known to them as both our, and our pastor's most inveterate enemies, before telling it either to the person who they pretended had done the wrong, or to the church of which she and they were members.

In further vindication of our course, we would refer the council to the documents in general, (presumed to be already in their hands), showing the progress and character of our doings in the case of discipline complained of, from the time of our incipient measures to the time of our "*provisional reply*" to the note of Mr. and Mrs. H., dated July 23d, informing us of their appeal to the judgment of a mutual council; which "*provisional reply*," together with so much of our final "*explicit and definite reply*," dated September 7th, as needs to be here cited, we subjoin, commending both, but especially the latter, to the attentive perusal and careful consideration of the council, however superfluous might be such auxiliaries to less interested minds.

The first or *provisional* reply is contained in the following *report* of a committee of this church, which report was unanimously adopted at its regular meeting.

"Your committee, having duly considered the joint note of Mr. and Mrs. Hunting, of July 23d, respecting a mutual council, would respectfully recommend the adoption of the following as a provisional reply to said note, namely, That while this church will by no means hesitate to give an explicit answer to said note, if insisted on, they would kindly suggest to Mr. and Mrs. Hunting the wisdom and expediency of not pressing for a more decisive reply. While immediate action would be entirely safe for this church and pastor, we are of opinion, that it could not be harmless to one or both of the other parties interested. The church, while it will not shrink from any duty, are unwilling to inflict any unnecessary pain."

To the foregoing provisional answer to the brief note of Mr.

and Mrs. Hunting of July 23d, notifying to us their "appeal," this church received from them a second still briefer note, dated August 9th, of which the following is a copy, namely: "Having duly considered our request of July 23d, before making it, we *insist* on an explicit and definite reply." To this second note the church returned a report of their committee to whom the subject was referred, adopted by the church as the reply insisted on; of which the following is an extract.

"In giving an explicit and definite reply" to the note of July 23d, as insisted on by the note of August 9th, it becomes necessary, in the judgment of your committee, to connect with that reply, herein already expressed, a comprehensive statement of particular facts which, with others, induced the vote of suspension aforesaid, and which in the opinion of your committee, should coöperate as a bar to the consent of this church to the call for a mutual council. This statement your committee, in their former report sought wholly to avoid, by recommending to the church such a reply to the note of Mr. and Mrs. Hunting, of July 23d, as should suggest to them a prudent reconsideration of the course proposed by it. They, however, having insisted on an "explicit and definite reply," it becomes necessary to give such an answer as shall most effectually vindicate your present course, as well as correct such misrepresentations as have been already set afloat, and forestall others which are likely to follow from the same quarter. These considerations have induced your committee to review the outlines of the case; which review they also submit to the consideration of the church, and if seen fit, for the adoption of the same as a precautionary part of their reply.

The original complaint against both of the delinquents was, for a *breach of covenant*, and for slander, involving falsehood. In respect to the *first* of these charges, — *the infraction of their covenant*; the proof was full and uncontested. It was, in fact, freely confessed, with an attempt to justify it, — such an attempt as aggravated the original offence.

And now as to the *second* charge, the matter of *slander*. By scriptural and ecclesiastical law, any charge of moral misdemeanor, unsustained by adequate evidence, (the accuser either knowing or having good reason to suspect its deficiency, either as to the requisite number or the credibility of witnesses,) is slander, and is to be deemed ecclesiastically false.

In the case here referred to, (to say nothing at present in respect to the very questionable character for credibility of the accusing and only witness,) it is enough to say, so far as the

just action and due order of the church are concerned, that the requisite number of witnesses was incomplete. Therefore, the church had no alternative, but were plainly bound to pursue the course they actually took. If, therefore, any are disposed to complain, they must find fault with the law itself, and not with the administration of it. But who shall find fault with the law? Its source is not more sacred, than its character is wise and good. The law was ordained as a necessary safeguard against the liability to unjust accusation, — a liability as constant and as permanent as human nature itself. If any object that guilt may sometimes escape by the operation of such a law, they should also consider that without it, a far greater mischief might ensue, even the condemnation of the innocent. Both the letter and the spirit of the law are equally plain, and its wisdom has been sustained by the highest authority and general practice of, at least, all Protestant denominations.

But, sufficient as is the foregoing vindication of the course pursued by the church, your committee, however much indisposed, will not refrain from presenting a still further view of the case, that if the reply of the church, so unwisely insisted on by the ill-advised subscribers to the several notes of July and August, should meet the eye of prejudice, nothing may be wanting to satisfy any but the wilfully deluded. In discharging this duty, your committee would state, that in the action of the church when met to investigate the charges against the delinquents, a wider range was allowed than would be necessary, or, perhaps, even proper in ordinary cases of like complaint. In consequence of the irregular course pursued by the delinquents, and the naturally mischievous tendency of such a course, the principal accuser of our pastor was allowed to relate her story to the church, at an unusually full meeting of both sexes. But to say nothing of her coarse and insolent deportment before the church while on trial, — nothing about her defect of veracity in other matters, — such was her narrative; so unnatural, so improbable in its general character and particular circumstances; so confused and contradictory in all its alleged facts; so incompatible with other facts resting on distinct and unexceptionable proof; so variant as to alleged time, and so grossly disreputable to her own modesty and chastity of purpose, — *a purpose of confessedly unavailing temptation at the only time of imputed misconduct*, that a pervading and deep impression of the improbability of her story settled on the minds of all present, and confirmed the propriety of censure on the formal charges then already fully established.

Your committee have forbore to press on the attention of the church all the considerations which might well govern their decision to negative the measure of an "appeal" to the judgment of a mutual council. They might, were it necessary, urge the well-ascertained fact, that, while the subscribers to the note of July 23d were professing to act ecclesiastically, and to rely on the judgment of a mutual council, they were, even then, busy and urgent to propagate their scandal anonymously by the public press, not as a measure of defence against any like resort, but wholly as a matter of aggression, instigated, it may be, directly or indirectly, by their "spiritual adviser," or some one of his veteran clerical accomplices. If the earnest experiment was a failure, it only proves that the sense of honor on the part of others, was more scrupulous than that of religious principle professed by themselves.

Your committee might add, moreover, that the clearest credible evidence is before them, that the principal accuser of our pastor has, since the time of alleged impropriety, both said and done that which fully exculpates him from the misconduct imputed. But they forbear. The reasons already given are more than sufficient. Your committee, therefore, in conclusion, repeat the advice that the church explicitly and definitely decline the aforesaid "appeal," and that disregarding, as much as may be, annoyances from abroad, they unitedly and resolutely seek the things that make for peace, and things whereby one may edify another.

To the many and forcible reasons which determined our explicit and definite reply, a part only of which are expressed in the document just quoted from, might be added other conclusive evidence, since come to light, of the discredit which is due to the story of Mrs. Hunting; but we forbear, having other topics to present, which of themselves might well occupy all the time which the members of the council can usefully spare from their several ordinary pursuits.

The first of these topics is, *the nature, limits, and occasions of councils*. On this comprehensive topic a wearisome array of renowned authorities might be cited, relevant to the case in hand; but fortunately, whatever is needful for this end is too simple, and lies in too brief a compass to tax the patience or the understanding of any who are willing to know the truth on the subject.

It is a first principle of Congregationalism true and proper, that all church powers are vested in each particular church, for the management of its own affairs. This fundamental principle

is clearly and carefully laid down in the received platform of our churches, (ch. 10, sect. 2). The necessary inference from the foregoing principle is so well expressed by the venerable predecessor of a clerical member of this council, the Rev. Thomas Prince, of the Old South Church, that we take pleasure in giving his own words, namely: "No churches, or church officers whatever, have any power over any other church or officers, to control or impose upon them; but are equal in their rights and privileges, and ought to be independent in the exercise of them." (Annals, p. 92. Boston. 1736.)

The above statement is made by its learned author, not merely as his own opinion, or his own knowledge of Congregationalism as existing in his own day, but as a sure historical fact in respect to Congregationalism as brought to these shores, and as firmly maintained in after time.

That principle, with its necessary inference, is the only guarantee of the rights and privileges so dear to our churches in all their history. Of any encroachment upon it they have ever been jealous; and if their children have any wisdom of their own, or any regard for that of their fathers, that sacred principle they will steadfastly maintain, and faithfully transmit.

But while that principle was so fondly cherished by our fathers, they also recognized, in subordination to it, the social relations and duties of churches to each other, for mutual good and general advantage. Accordingly they constitutionally recognized the propriety and necessity of councils in two cases, and two only, (exclusive of general councils or synods for more general purposes,) namely, want of *light* and want of *peace* in a particular church, (Platform, ch. 15, sec. 2,) in which cases each church was to be the sole judge of its own need of help, and to call for council at its own good pleasure, not suffering other churches to do its thinking or fashion its will, though not negligent of friendly and discreet suggestions from any quarter. And even when, in difficult matters, advice was freely sought, while it was to be treated with due consideration, it was *only advice*, without semblance of authority beyond the reasons it contained as such reasons appeared to the mind of the church advised. This fellowship of the churches harmonized with the great principle on which rested their sacred rights and liberties.

But in all communities this side heaven, wrong to individual members is liable to be done, and persisted in; and, in the case of churches, how shall relief from manifest or probable hardship be had, without disturbing their fundamental principle; or rather, with the least possible disturbance of it?

This difficult problem of Congregational polity was never solved to the complete satisfaction or even acquiescence of all our churches; though the nearest approximation to general consent was by the *careful* intervention of *ex parte* councils, in cases of gross and palpable hardship. Such councils are, and have always been considered to be *unnatural*, — the anomaly of Congregationalism, proceeding, in extreme cases, from the *necessity which knows no law*. It is that monster of our system, which, if the breed were common, would beget confusion and ruin in our churches. This consequence was a matter of clear foresight on the part of our fathers, and for this reason they took special and exemplary care that the monster should be impotent for progeny. They fenced it in with strong bars, and crippled it with fast restrictions, and did what they could to hinder, yet suffer it. The Platform does not name or describe it. It is only endured by the sufferance of a *flagrant exigency*.

That such was the theory of *ex parte* councils is apparent from a mere glance at the history of their practice, as given by Cotton Mather in his chapter on councils, and still more evident and impressive from a careful scrutiny, — a chapter from which fragments have been too often struck off to be used without a regard to the force of the combined whole. Some just impression of its significance may be received by considering the following abstract of his statement, namely: —

In the first place, the person who feels aggrieved applies to the church, through its pastor, for a review of his case, with respectful remonstrance of the apprehended hardships. If his application is refused, he requests of them a council. If they refuse this also, he may call one himself, informing them what he does. For this he applies to neighboring churches by their pastors, *who do not rashly at once read his letters in public, but having informed themselves, as thoroughly as they can*, they notify to the pastor of the church complained of, their understanding of the case, desiring to know from him if the difficulty cannot be removed by the church itself; or whether there is *any just objection* to their coming as a council. If *after all*, they are yet apprehensive that necessity requires a council, they then read their letters to the churches, who appoint delegates accordingly. The council coming on the spot, proceed to *as public a hearing as they can have*, (namely, in the meeting-house). If they find the person to have received *palpable* injury, they endeavor to convince the church of it, and advise them to restore the injured person unto his former standing. — (Ratio Disciplina, pp. 158-162.)

The foregoing epitome, mostly in the words, and always to the substance of Dr. Mather's statement, stands in bold contrast to the rash and headlong course in the present case; and if each truly represents its own time, how meekly does the Christian love of that barbarous age, as it is sometimes called, rebuke the boasted humanity of the present!

Now without saying or thinking that all of the specified forms, described as the practice of the first hundred years of New England Congregationalism, should, one and all, be precisely copied at the present day, we yet feel constrained to say, that their spirit should never be lost sight of, nor their substance ever be disregarded, so long as Christianity and its ministers shall be needed on earth.

Is this, then, such an occasion, such an exigency for an *ex parte* council as necessity tolerates, and lynx-eyed usage sanctions? Is it a case of palpable hardships — a necessity not to be put off? These are questions which other questions may best answer.

Had, then, what was charged on the appellant the *nature* of an offence? On this point the law is too clear, too express, for more than one opinion. Was, then, the offence charged, actual? This, too, is beyond the possibility of doubt; for it was not only confessed, but aggravated by coarse and insolent repetition in presence of the church; and who does not know that such an offence in open court makes proof superfluous! Did not the nature and circumstances of the offence require *undelayed* action and censure? Doubtless; for a scandalous report, with its train of mischiefs, has always the start and advantage of contradiction, and is only encouraged by delay, to augment itself and bring forth other scandals. But could any longer time, or any additional skill be wanting for the defence of the accused? No length of time, nor any amount of skill can disprove or change the nature of a notorious and confessed fault. Could, then, any modification of the process of discipline have changed its issue? From what has already been shown, it was evidently impossible. Finally, was the censure of the offender disproportionate to the offence? This cannot be pretended by any one who considers the peremptory demand and manifest purpose of the law violated, — to say nothing of a violated covenant.

What, then, was *the hardship*? "Was it palpable?" Was it in any way discernible? Was it imaginable, but by a dreamy, impassioned fancy? No council, mutual or *ex parte*, can find it, or semblance of it. The hunting for it is an occupation as undignified as it must be unsuccessful. It ill comports with

the presumed gravity and wisdom, not to say honesty, of such an ecclesiastical gathering, however secret, in the renowned metropolis of New England.

What, then, was the *ex parte* council contrived and got up for? Verily, its prime agents know full well; and common sense should be disciplined, if at fault in divining.

But if, indeed, it can be that there is not yet light enough on the unmatched folly and perverseness of such a council, a flood of light shall now be poured upon it, to test the obstinacy of sealed up eye-balls. This brings us to the last topic we have time to discuss, namely, *the composition of the ex parte council*.

And in this conclusion of our protest, we are conscious of needed grace to restrain the natural force which the intent consideration of so flagrant injustice imparts to the language of indignant minds. If we exceed the bounds of staid discretion, we offer no apology but its evident cause. Nevertheless, we will endeavor not to overstep the bounds of Christian moderation and due fidelity to the council and to truth.

Who, then, compose the council? — And what their right to sit in any case which concerns us or our pastor? These are questions of moment, and they shall be carefully answered. Two other questions are involved in our reply: First, *Are the members of this council in fellowship with us and our pastor?* Second, *Are they an impartial council?* The true answer to the first of these questions requires a preliminary statement of principles and facts, which are as follows: —

All Congregational councils are *advisory*; and all acts of such councils are acts of *acknowledged fellowship with those whom they advise*. The right to advise is based on fellowship existing *at the time of advising*. It has, and can have, no other foundation. We know not that this principle has ever been denied or questioned by any Congregational authority whatever. The principle is too plain to leave room for doubt. The Platform is clear, on this point abundantly teaching that the whole fabric of councils rests on fellowship with all concerned in their doings. — (Ch. 15, secs. 1, 2.)

*Ex parte* councils are no exception to the foregoing principle, for the nature of the case determines the principle. Were it otherwise, Congregational churches might assume to interfere, by council, with the discipline and other internal concerns of Baptist, Methodist, or Episcopal churches. The *practice of ex parte* councils is expressive of the principle of fellowship as its foundation. The whole process of an *ex parte* council, from its call to its result, as historically given by Cotton Mather, and

already epitomized in this protest, is declarative of fellowship. What he so illustrates by usage, is cleared of possible doubt, when in conclusion he expressly states, that if the church which inflicts the palpable injustice ascertained by the council, shall obstinately persist in their oppression, the churches represented in that *ex parte* council may "*withdraw communion*" from that church — terms which imply existence of communion till so withdrawn. — (Rat. Disc. p. 161.)

Thus it is clear, from a just theoretical principle ; from the constant and universal treatment of each other by different denominations of Christians ; from the full import of the Platform in its chapter on councils ; and from the faithfully recorded practice of the Congregational churches of New England, that councils, mutual and *ex parte*, have their foundation in *recognized fellowship*.

Is, then, such acknowledged fellowship a reality, in respect to this church and the churches represented in the *ex parte* council by their four clerical, and five lay delegates? We say *four clerical* delegates, for the lay delegate of the Essex Street church is present without his pastor, who, with delicate scruples of propriety, as it seems, has in form declined attending! His letter, on the files of your scribe, who was careful to notify to this church and its pastor the place and time of your adjournment, we have not seen ; nor was our pastor permitted to take a copy of it, or even to see it, though making known his purpose to use it at the adjourned meeting should its character and the occasion require it. But though denied a copy, or even the inspection of the letter, as his right, he was yet favored by the scribe with some hints, from memory, of its modest import. Truly such sensitive scruples had a gracious seeming, — an air of meekness, and surface of sanctity. But, after all, whose hand, in darkness, was so busy as the hand of Dr. Adams, in this affair from which he so sensitively shrinks in daylight? From first to last his stealthy movements and scarcely breathed anxieties have been betrayed. If the word of the appellant may be credited in a matter which she was interested to conceal, and so interested as afterwards to deny what she had affirmed on the subject, then was Dr. Adams her "spiritual adviser," and the instigator of this second ecclesiastical enterprise against our pastor, at its *beginning*! And how near the *end* of it, think ye, was the skittish author of that letter, pushing on the enterprise he has so early begun? Trusting the letter, none would suspect. And yet, but a few days before he penned that letter to the council, he presented the letter missive of his

spiritual client to the Essex Street Church, and to anticipate or remove their doubts, advocated the propriety of complying with her request to send *him*, with a lay delegate, to this council! But though he is not present in person, is he not, as a duly enrolled member of the Essex Street Church, himself represented in the council by the lay delegate and deacon of that church,—to say nothing of the influential relation of a pastor to an under officer of his church? We will not charge the letter of Dr. Adams with insincerity, but it can hardly fail to occur to a reflecting mind, that if his sensitive scruples had been of an earlier date, or had they existed in private as well as in public, he would not have been liable to the suspicion of hypocrisy.

But what shall be said when those facts are put in communication with this other fact, that for years, down to the calling of the council, he and his church have denied fellowship, the indispensable and essential ground of a council, to our pastor and his church! This he has personally done in several ways,—by open, emphatic *declarations* and expressive acts. One of these *declarations* we at present omit, to avoid repetition in the sequel of this protest, in which we shall have occasion to use it on a broader scale. One of the expressive *acts* referred to, is, according to the statement of his client, the examination of an unrecommended member of our church, preliminary to admission into his, knowing that she was then in fellowship with ours, thus not only denying fellowship with this church, but tampering with her solemn covenant obligation,—an obligation cherished in all our churches, and such as is expressly recognized in the covenant of his own church. Nor is this act, so expressive of denied fellowship, by any means single and alone; for when members of his own church applied for admission into ours, he not only resisted but overcame the actual vote of a majority of his church to recommend them to ours,—detering them from their declared purpose by a threat, that sooner than he would duly acknowledge their act, he would resign his office as their pastor!

And now, reverend moderator, can the particular fellowship of Dr. Adams with this church, or the more general fellowship of his flock with it, be acknowledged by yourself and your associates in council? Can the fellowship of either the clerical or the lay delegates appointed and chosen by the Essex Street Church, be assumed for transient use in an *ex parte* council, and yet be constantly denied in all other concerns! The absurdity is too gross, and the claim too shameless to be entertained *anywhere*. And can you entertain it, reverend modera-

tor and gentlemen of the council, in your own reverend and fraternal body? Heaven forbid!

But Dr. Adams, we are sorry to have occasion to say it, is not alone in the assumption of power to sit in council on the concerns of a church whose fellowship is denied. We would gladly withhold both the fact and the names of those concerned in it, if this might be done with duty to ourselves and the Christian public. Who, then, reverend moderator and gentlemen of the council, are the especial persons in the same unfortunate condemnation with Dr. Adams in their denial of fellowship with this church, and the presumption to act in council in its own concerns? *Yourselves*, reverend moderator, and the majority of your clerical coadjutors?

Will it be credited, that, of the *five* churches represented in council, *four* have, by the assumption and public written declaration of their pastors, denied us Christian fellowship! The fifth, their scribe, is associated with them probably without a knowledge of their incompetency. But what might seem a fiction, is only a stranger truth. The evidence in respect to the modest absentee, has been in part given, the remainder having been postponed for its broader use in the present connection. The proof thus reserved is *documentary*, — not resting on rumor; on one discredited witness; on frail memory of any individual, nor on the parol testimony of credible, concurring witnesses, but the incontrovertible black and white, prepared with no possible forecast of its use on this or any other special annoyance of this church and its pastor. It is a document now before us, in the handwriting of Dr. Adams himself, signed by his own proper hand, and by the joint hands of Edward Beecher, George W. Blagden, and Edward N. Kirk, all of whom are *present* members of the council!

This document is a *protest*, addressed and delivered to the regular council met for the installation of our present pastor, and is dated November 19, 1845, the day of his induction into office, in which protest its signers declare, in respect to us and our pastor, "*It is impossible for us, however much we might desire it, to give him or to any church that may employ him, our ministerial fellowship.*"

Let those words, and the import of those words, be carefully pondered, not forgetting by whose hand they were penned. Putting their origin and their inherent import together, they have a force and breadth of meaning that might be overlooked, if considered alone. Did not its writer intend, and mean to have it understood, that the denial of *ministerial fellow-*

*ship* proclaimed, was a denial of *all Christian fellowship* with those contemplated in the declaration above cited? Can there be a reasonable doubt on this point? Dr. Adams was then sore at the acquittal of Mr. Fairchild by a verdict of jury, and by a concurrent provisional result of council, and especially by the call of an able and venerable ecclesiastical council for his installation over a church so near the sanctity of his own. Those wounds and bruises have not even yet been mollified with ointment. With a *papal will* in his bosom, did he not frame that protest as a *papal bull*, to put us and our pastor under the ban of his holiness, that the hand of every minister and every church might be against us? Who, reading that protest with open eyes, can mistake this breadth of purpose? — *no ministerial fellowship with HIM nor ANY church that may employ him!* To doubt, is to condemn common sense. But what that protest meant at the time it was written, may be seen by its shadow protracted on the Essex Street Church, and there abiding for so many years, down to the calling of this council. Their practice, against their declared vote, in cases already stated, — a practice instigated with menace by the writer of the protest, — is an unmistakable apocalypse of its meaning and careful intent. Nor has any practice of any church whose pastor signed that protest, as yet signified a different interpretation of that vindictive document, though we have a pleasure in stating that we have heard that Rev. Dr. Blagden long ago expressed in private his regret at consenting to the protest.

It is, then, established by accumulated and redundant proof, that fellowship is the basis of all councils; — that where fellowship is not, assumption to act in council is a usurpation; — that at least four out of the five churches represented in the *ex parte* council, are in declared and practical non-fellowship with those whose concerns they have assumed to review and advise upon; — and that, consequently, their action as a council is a usurpation, and as such is wholly null and void. It now remains that we consider the second question proposed in respect to the composition of the *ex parte* council, namely, — *Is this an impartial council?*

Chronic animosities seldom die, but with their owners. Resentments and prejudices are only milder forms of the same disease. Not even the physician and the balm in Gilead are apt to do more than mitigate the rankling hurt of the daughter of Zion. The strong comprehension of this truth will unlock a multitude of others. Its application to the present case is almost self-suggested, and will therefore give brevity to our concluding remarks.

From what has been already developed in the progress of our protest, it cannot but be seen by a calm observer, that no greater indiscretion, not to say madness and folly could possess wise and good men, than the enterprise in which this council are so zealously engaged. Had such a tale from such a quarter as the unsupported story of Mrs. Hunting come to the ear of any minister in this council, against the reputation of any other of its elders, he would have suffered it to pass by as the idle wind. And perhaps if their memories wander back from this case to more opprobrious slanders nearer home — slanders which, to say the least, rest on better authority than the present — they will the more readily comprehend the danger of listening with biased ears to the suspicious story of one whose general veracity is none of the best; and they will see the value of the apostolic rule already cited, with due comment and application. But by what principle or rule of civil or ecclesiastical courts, is our pastor, who demeans himself among us as an exemplary minister of the gospel, to be condemned, or at all proceeded against, in a way which this council would shrink from in a case to arise, or having actually arisen, among themselves? He values his reputation above his life. We esteem it, and need it as your flocks do yours. And is it not due to us and to him, that his reputation stand or fall by the same law, and the same administration of law, which sinks or supports your own? The difference of administration which you have assumed in respect to our pastor, in the face of reason and express apostolic command, is of itself, *strongly presumptive* of a bias unbecoming the holy ministers and other servants of our blessed Lord and Redeemer. But that bias, the belief of which is ascertained by an *irresistible presumption, is abundantly proved* by a series of facts which cannot be gainsayed. And yet the proof already given, is but a little part of the product of years whose memory is crowded with melancholy records of prejudice and animosity.

Passing by the most of which needs the broadest mantle of Christian charity, we feel compelled to advert briefly to another fact, which of itself is a signal answer to the question now before us, *Is this an impartial council?*

It is well known, that in 1845, the Suffolk South Association from whose limits this council is mostly gathered, placed on their records a preamble and vote derogatory to the character of the Rev. Mr. Fairchild, — a preamble and vote which the protest at his installation was meant to enforce, and which some of the ablest men and jurists of this Commonwealth, nay of this country, have deliberately affirmed to be false and libellous. Our

pastor, after its long concealment, at length learned its existence and character, and endeavored, ineffectually, to persuade that association to erase the slanderous record. Baffled in this attempt to persuade them to do an act of duty to themselves as well as to him, he, at last, after careful advice of the most learned and prudent council, commenced a suit at law, for relief and redress, against Dr. Adams, a zealous and influential member of the association, and not less busy in that matter than in so many others in relation to our pastor and ourselves.

Close associations of all sorts naturally breed self-favor among present and acting members. As common sense is no stranger to this law of the human mind, so the Suffolk South Association is no exception to its efficacy. But in the case of the imputed libel, there is a twofold force of cohesion,—a pressure from without, as well as mutual attraction within. If a libel was perpetrated, other members of the association were *particeps criminis*, though such participation may not have been with equal guilt. And though the actual grasp of the law was not felt by themselves, how could their sympathies keep away from the principal whose accomplices they must have been in that which, if a crime, had also the look of a conspiracy? But this sympathy—sympathy earnest and efficient—is not a matter of inference, but a fact *substantially* expressed; for while our pastor was penniless from oppression, and in need of aid which our scanty means and many calls could not supply, and while the defendant had ample wealth and a flock with golden fleeces, his sympathizing abettors in the imputed libel, two of whom are members of the *ex parte* council, actually fleeced their own flocks,—not for him who was needy and oppressed, but for him who was increased in worldly goods, having need of nothing!

Need we go further than to this signal fact for decisive proof of strong bias, and the conclusive settlement of the question, *Is this an impartial council?* Had we left out all the evidence preceding this uncommendable fact, (in respect to which we are happy to say the pastor of the Old South is an exception, not being a member of that association,) still with that fact solitary and unsupported by concurrent facts from any quarter, our question would have no point on which to hang a doubt. But there is one fact more which makes it most of all unfit, not to say unministerial, unchristian, unmannerly, and altogether shameful for pastors so committed to an unjust balance, to pretend to weigh in council the interests either of our pastor or ourselves.

This reserved, and last fact, which so aggravates the wrong

of assuming and usurping seats in council, is, that the suit at law is still pending, waiting for the legal opinion of the supreme court, which may not, and yet which *may*, result in a *new trial*, — a trial hoped for by one party, and feared by the other, — a trial which beforehand, such members of the council would be as prompt to influence by their prejudiced result, as they were ready after the former trial, and while the case was not finally issued, *to assess their churches for the defendant's costs of suit!*

Rev. Moderator and Gentlemen of the Council, lay and clerical, our protest, in full, we now leave in your hands. We have plainly told plain truths, and have used a freedom whose occasion of your own making we are deeply sorry for. To have been silent, or to have said less, would have been a betrayal of a sacred trust; while not to have spoken boldly would have been a moral cowardice for which conscience would have dogged us with upbraidings into another world. We have but exhibited in the light of a faithful narrative, and the demonstration of relevant principles, a professedly ecclesiastical transaction, at which justice revolts and Christian honor is indignant.

Our work, thus far, is done; and waits, with conscious rectitude, your own. We have acted in the fear of God, and can trust in the smile of His Providence. We give thanks to him for strength in weakness, and pray that he may give you wisdom to be faithful to yourselves.

Done in church meeting at South Boston, October 12, 1852.

C. WALTON, *Church Clerk*.

The council remained in secret session and as I was told at the time, without any recess, till after 10 o'clock at night, and at last finished their inglorious work with the following decision:—

“That owing to the peculiar relations of the pastor of the Payson Church to the churches represented in this council, we deem it inexpedient to express an opinion on the merits of the case.

E. BEECHER, *Moderator*.

A true copy, — Attest, R. W. CLARK.”

If, after hearing the preceding protest, they had come to some such result as the following: “We are satisfied that the proceedings of the Payson Church in the case of Mr. and Mrs. Hunting have been in accord-

ance with the platform of our churches and the rules of the gospel, and that, therefore, we have nothing to do in the premises," — if, I say, they had come to some such result, we should have overlooked the fact that they came together without any ecclesiastical authority. But making up *such* a result, attributing to the churches what properly belonged to themselves is, to say the least, an exhibition of a spirit and temper unbecoming the professed followers of Christ.

---

## CHAPTER XXVIII.

NEAR the conclusion of the preceding protest, it is stated that my suit at law with Dr. Adams, which the referees decided in August, 1851, is still pending, waiting for the legal opinion of the supreme court, whither my junior counsel had carried it, hoping that the full bench would lay aside the award and grant a new trial. But at the November term, 1852, the court decided, in substance, that as I consented to submit the case to referees and made them judges both of law and evidence, I had put the matter out of their hands, and therefore had no legal claim on them to rectify any mistake, which, if committed, must have been my own, by consenting to such a reference. When this decision was publicly announced, many people seemed to infer that it was a declaration from the full bench, that the award of the referees was a righteous one, and that Dr

1

Adams's conduct towards me was fully justified. In order to rectify this mistake, a friend of mine, residing many miles from Boston, sent a communication to the editor of the *Boston Courier*, which was inserted in that paper the 14th of January, 1853, and soon after in several other papers. I will here quote a part of that article.

MR. EDITOR, — Having learned from various quarters, that the recent decision of the supreme court in the case of *Fairchild v. Adams*, is essentially misapprehended, we crave a space in your journal to correct the mistake.

It has been inferred from the failure of the plaintiff to sustain his action for libel, that the defendant vindicated in court the truth of what was charged against him as libellous. Such an inference, however, is entirely groundless, as will be seen at once by the fact that Dr. Adams did not venture to rest his defence on the *truth* of the record charged as libellous, but carefully shunning a reliance on such an issue, pleaded his *privilege* as a comember with Mr. Fairchild, of the Suffolk South Association, to say and record what he might neither record nor say, in his private and unassociated capacity, without incurring a legal responsibility.

On that plea — the plea of *privilege* — and on no other, was Dr. Adams acquitted of libel by the referees; and the question before the supreme court was, whether an award, sustained and grounded on such a plea, was according to law; and not at all whether the words charged as libellous were true.

As, therefore, the acquittal of Dr. Adams was in no manner or degree based on the truth of the record made and retained by his special agency, but solely and exclusively on the ground of *legal privilege to record what is false, with the same impunity as if true*, it is a simple act of justice that this principle of juridical law be understood by the whole community.

We habitually entertain a high regard for the learning, the patient labor, and the high integrity of the supreme court; nevertheless, we believe there is too much truth in the proverb about going to law, that 'good luck is better than a good cause.'

In the final decision of the case above referred to, Dr. Adams has had the good luck to escape legally unharmed, though the tribunal of a more lasting common sense may decree for the plaintiff. Mr. Fairchild's hardship, if hardship it be, is by

no means a solitary case; for law and justice are often at odds.

But if the legal question were as clear as cloudless mid-day, and all minds responded, with no misgiving, to the legal propriety of the decision pronounced by the supreme court, still, however sound and profitable such a law might be deemed as a general principle, there is a question beyond and above it,—a question which comes home to conscience and personal honor, and which cannot be settled by legal precedents and technical subtleties. We mean the question, Why is that record of the Suffolk South Association allowed by Christian ministers to keep its place with such unchristian pertinacity and unseemly superciliousness, against one who stands doubly acquitted by an ecclesiastical council and a jury of his country, of whatever that record affirms and covets to affirm? For ourselves, we would rather, a thousand fold, be the afflicted object than the inflicting agent of so unmanly, not to say so dastardly a meanness. So long as that record shall not be obliterated, by whomsoever it shall be kept, it will record, not the result of an ecclesiastical council, not the verdict of jury, but, in the light of both, their own want of Christian magnanimity.

But turning from so ungracious a theme, we are gratified to see that Mr. Fairchild bears up under legal disappointment with characteristic fortitude and energy. We are glad he has so much to encourage, amid so much to dishearten the bravery of the soul. The generous sympathy which has been expressed to him already by many men of honorable sentiment and high position in society, in contributing to his enterprise for erecting a more commodious house for public worship, we trust, is but the pledge of a more extended bounty to crown his earnest expectation of useful success.

MANY.

I have already stated that I paid one half of the expenses of Dr. Adams's trial before the referees, and also *how* I came to pay it. The half which Dr. Adams paid, and which the decree of the referees required me to pay back to him, had never been spoken of to me or to my counsel till the appearance of the preceding communication in the *Courier*. But immediately after its appearance, Dr. Adams's junior counsel sent a note to my junior counsel demanding payment according to the decree of the referees. If I had not already seen so

many strange things in Dr. Adams's treatment of me, I should have deemed this transaction as "*passing* strange," if not "wondrous *pitiful*." His expenses had already been paid, not from his own purse, but from the contributions of his friends. I *know* that Messrs. Kirk and Stone had given their obligation to pay, at a specified time, what was deemed their just proportion, amounting, if I have been correctly informed, to over two hundred dollars each. And when the time of payment arrived, one of these clergymen, if not both, called on their churches to contribute for this object; and it was done. I was told by a gentleman who, I think, could not have been joking, that on a certain evening, one of Dr. Adams's deacons called at his house and complained of being very tired, for he had just completed the subscriptions for fifteen hundred dollars to pay the expenses of Dr. Adams's trial, the same gentleman remarking, (what, indeed, I had repeatedly heard before,) that his counsel charged five hundred dollars each. It would seem, then, that when that dunning letter came to me, Dr. Adams had paid his counsel, and *all* his expenses, through the assistance of his friends. And yet I must be required to pay that demand as a gratuity to somebody, for the privilege of being slandered in the worst possible form, for years, by Dr. Adams to his heart's content, and then be laughed at for presuming to call in question his perfect right to do so! To such an imposition I would not submit. I told my counsel to say to Mr. Hubbard that I was ready, at any time which might best suit his convenience, to take the poor debtor's oath. And lest, by possibility, I might have something more than the law would allow, I gave my junior counsel, who has served me so long and so faithfully for no reward but the ap-

probation of his conscience in defending a poor and oppressed clergyman, once the pupil, and still the confidant of his venerated father, — I gave him, I say, a bill of sale of all my goods and chattels which might surpass the law's allowance, to keep them from the grasp of Dr. Adams, righteously determining that he had no claim in equity to the merest trifle, while my counsel had. And one of the gentlemen who had contributed for Dr. Adams, gave me distinctly to understand that people were induced to give him their contributions by its being suggested to them that they ought to do this, since Dr. Burgess had paid all *my* expenses, when he had not given me, as he testified on oath before the referees, to the amount of fifty cents for that object. No; I was obliged to borrow of friends most of what I paid to the referees, and I owe in part for it at this very day. However, no civil officer has yet been sent to seize my stinted library, or to take me to jail, there to testify to my inability to pay Dr. Adams for screening himself from merited punishment, behind the suspicious claim of *privilege*, and the no less suspicious *plea* of limitation.

I come now to unfold another scene of iniquity in this drama, which perhaps exceeds any and every other in atrociousness and cold-blooded villany. After Mr. and Mrs. Hunting had been suspended from our communion about one year, and manifesting no signs of penitence, and knowing, as we did, that Dr. Adams was allowing them to commune with his church, notwithstanding his knowledge of their suspension, we were about passing the vote of excommunication against them, when we were absolutely confounded at an exhibition of depravity and recklessness seldom equalled, even among barbarians. In August, 1853, I was absent some ten days, soliciting contributions to aid in the

erection of my new church. I returned on the last Wednesday in the month. Mrs. Fairchild informed me that on the Monday morning preceding, a gentleman had called to see me, and as I was not at home, wished for a private interview with her. He introduced himself by the name of Dr. William H. Cooper, residing, he said, at No. 1 Friend Street, Boston. He told her that he had come to discharge a duty which he owed to us both; and went on to state what efforts had recently been made to induce him to sign a paper certifying that he had once cured me of an infamous disease. He showed her the certificate which had been brought to him with a request that he would copy and sign it. It was in the handwriting of Reuben Hunting; and here I give a literal copy of the original now lying before me.

MR. REUBEN HUNTING:—Sir,—On condition that you will make only a private use of this information in trying to get your rights, I feel obliged by your circumstances to comply with your request.

Some years since, and after he had been in Dr. Hayward's hands, Rev. Joy H. Fairchild came to me with *gonorrhæa virulente*, and I treated him for that disorder, and cured him. — Boston, July, 1853.

This paper Mr. Hunting requested Dr. Cooper to copy and sign, that he might show it *privately*, perhaps to some of the contributors for my church, and thus poison their minds against me, while all knowledge of the act was wholly concealed from me, so that I could have no opportunity to meet and repel the slander.

I will here give a portion of Dr. Cooper's statement in his own handwriting, and which he says he is ready to give oath to.

Said Hunting did present me with the above certificate, requesting me to copy and sign it. He assured me that I should

be handsomely remunerated, — that he was sent by a friend of his in the bank, — that there was plenty of money in the bank, and that I should be well paid, — that if he could have the certificate, all would go right, and that they should have things just as they wanted.

The doctor further states that I was never a patient of his, and that he never knew me till 1850.

As Mr. Hunting was still a member of the church, being only suspended, it became the duty of the brethren to recommence a course of discipline with him for this new offence. Accordingly the committee of the church called on him and told him what had come to their knowledge. At first he would neither confess nor deny. But when they told him that they had his certificate in his own handwriting, he acknowledged it. He said that he did not compose the certificate, but only copied it. He was urged to tell who did compose it, but he utterly refused. When the committee told him what Dr. Cooper had said about his being sent by a friend in a bank, he very tartly replied, "The doctor promised not to tell of that." He finally said to the committee that *Deacon Drake* was the first person who mentioned Dr. Cooper to him in connection with me, and acknowledged that the deacon sent him to Dr. Cooper with the certificate. He afterwards said to the committee that Deacon Drake did not tell him to go to Dr. Cooper, but to *some* doctor to get it signed. He also stated to the committee that the certificate was prepared several months before he carried it to Dr. Cooper; but for certain reasons he did not take it till the time of its date. The result was that on the 17th day of February, 1854, Mr. and Mrs. Hunting were excommunicated from the church by a unanimous vote.

The clerk of the Payson Church was directed to forward to the clerk of the Essex Street Church a certified

copy of our doings in this matter, to be communicated to said church. Our reasons for doing this, are contained in the following preamble in our act of excommunication : —

And whereas the said Hunting and wife have made application for admission into the Union Church, Essex street, and, as we are credibly informed, do now regularly commune with that church at the Lord's table, and though Rev. Dr. Adams, the pastor of said church, is doubtless aware of the doings of the Payson Church in relation to these persons, having been, as they say, their spiritual adviser in this matter from the beginning:

And whereas, the pastor and brethren of the Union Church have themselves acknowledged us as a sister church, by reading in open meeting a letter missive, and voting to act thereon in the appointment of a delegate to attend an *ex parte* council, avowedly for the purpose of reviewing the doings of the Payson Church; and since for this reason especially, the courtesy which is due from one sister church to another, seems to require us to notify the Union Church of our action in the premises, to enable them to act understandingly and with due regard to their own rules and their obligations to sister churches, and also to correct any misrepresentations which may have been made to them respecting this matter: Therefore,

Voted, That the clerk of the church be requested to send a certified copy of the preceding preamble and votes to the clerk of Union Church, Essex street, to be communicated to said church.

The clerk, as he was directed, put a copy of our act of excommunication with its reasons, into the hands of the clerk of the Essex Street Church, to be communicated. But we have no knowledge that it was ever read to that church. It would seem that Dr. Adams was quite willing to have his church acknowledge us as a sister church, when the acknowledgment might *injure* us, but not so, when it might *benefit* us. The consequence was, that on the 25th day of March, 1854, all our proceedings in relation to this matter,—our preambles and votes, and act of excommunication,—were

published in the Boston Courier, preceded by "an appeal to the public," written and signed by myself, in order to prevent the injurious effects which might result from a clandestine use of such certificates as Hunting's. But previous to its publication, I signified by a note to Dr. Adams and Deacon Drake, my reluctance to publish a document so seriously implicating them, and my readiness to suppress it, if they would only make me Christian reparation for the many wrongs they had done me, assuring them that if they had any wish to do so, they could communicate with me either by letter or some mutual friend. But they both remained silent.

The following is the letter which I addressed to Dr. Adams, which was left at his house on the day of its date: —

SOUTH BOSTON, March 4, 1854.

TO REV. N. ADAMS:—

Sir,— Christian duty seems to require me to address to you this letter. You are perfectly aware of the many demonstrations which you have made during the last nine years, calculated to blast my reputation, to destroy my usefulness, to break up my church, and to wound the feelings of my family and friends. I have neither time nor inclination now to particularize them. That was fully done in a letter left at your door on the morning of the day when your *ex parte* council met for the third and last time,— a letter written and signed by a hand which never could have taken up the pen to address you on such a painful subject, had not a deep sense of wrong impelled the act.\*

I have been firm in the belief for years that a kind Providence would, in due time, open the way for a full disclosure to the world, of your most unkind and unchristian conduct towards me. That time, I think, has now arrived. It strikes me that no person of candor can read the document recently sent by my church to yours, without coming to the same conclu-

---

\* The letter referred to was written by Mrs. Fairchild.

sion,—a document which, it is presumed, you have seen and read. And I cannot but express to you my feelings of deep sorrow and regret that you have acted in a manner so inconsistent with your character and profession.

The plan utterly to accomplish my earthly ruin, as developed in the document just referred to, is enough to astonish and grieve the heart of every good man who may read it. I do not say that you aided in concocting that plan. But as the person who carried that false and infamous certificate to Dr. Cooper,—a certificate previously prepared and expressed in such terms as to make sure of my destruction, and to be used *privately*, so as to render my escape impossible,—a certificate which the doctor was requested to copy and sign that it might do the surer execution by appearing in the same handwriting,—as the person, I say, who attempted such a fraud, claims you as his spiritual adviser, can you blame me for asking you if you were not consulted in the matter, and whether he acted contrary to your advice? And as you have permitted him and his wife to come to your communion table for many months, when you were fully aware that they were suspended members of the Payson Church, this circumstance shows where your sympathies are, and seems to indicate the probability at least, that you were consulted. Be this, however, as it may; it is certain that through the aid of Mr. and Mrs. Hunting, you have made one more demonstration (which I believe is the thirteenth) to destroy my reputation and usefulness as a minister of the gospel. You have listened to the story of a scandalous woman, and advised that it be repeated before an *ex parte* council that it might be credited, and bring me into contempt, when, if such a woman had told the same story to you against the reputation of any other pastor in Boston, you would have suffered it to pass by as the idle wind, and spurned her from your presence, and not dragged the story out of her, as in this woman's case, she says you did. Had it not been for your advice, no accusation would have been brought by her against me, and of course no discipline would have been necessary, and no *ex parte* council called. I have more evidence in relation to this matter than you are probably aware of. But I need not dwell on this point. Your own judgment must tell you how unjustifiable your whole course was with respect to that council, and that you were instrumental in having it called, in opposition to the ecclesiastical polity of Massachusetts, and contrary to the advice of some of the pastors whom you consulted,—a council composed of pastors, a majority of whom

had committed themselves against me,—a council invited by letters missive which acknowledged me as the pastor of Payson Church, and which you read to your church, and advised the brethren to comply with the request, and to appoint a delegate, and which appointment was made. Now, let me ask you, why was this acknowledgment made when it was expected to operate to my injury, but studiously withheld when it could benefit me? an acknowledgment which you had once said in the presence of your church, that you would sooner resign your office than make.

But my object in addressing you is not to reproach you for the many and grievous wrongs which you have done me, but rather to let you know that I have no disposition to use the power now in my hands to place you before the public in such an unfavorable position as the publication of the document above referred to, must place you. I wish to feel and exhibit the spirit and temper of Christ, my master. And my great anxiety now is to ascertain what he would have me do. There has been an increasing conviction in the public mind for years, that your treatment of me has been any thing but Christian,—that it has been oppressive and vindictive,—that you have undertaken to place yourself above the decision of courts and councils, and to regard your own opinion as paramount to all other considerations. The developments made before the referees, and your placing yourself for defence, not on the Christian power of truth, but pleading the statute of limitations and the law of privilege, have greatly contributed to this result; for you cannot make this intelligent community believe that clergymen have any such privilege, or that it would be honorable in them to plead it, if they had.

I think now that the climax of wrong has been reached. The persons whom you have counselled, and with whom you have been connected in compassing my destruction, have been detected in their iniquitous scheme. Wise and good men have advised me to make the case public, on the ground that this last act would throw the clearest light on all which might before have been dark. The publication of this matter to the world, I fully believe, would be greatly for my temporal advantage. But I am willing to sacrifice interest to duty. Obedience to the gospel and the honor of the ministry are vastly more important than my own personal interest. I will therefore say to you, that if you are disposed to make Christian reparation for the many wrongs you have done me, it is not too late even now. The religion which I teach to others, and which I desire to practise,

seems to require me to make you this proposal. If you reject it, I shall not regret having made it; for *my* duty will have been done. I shall wait a reasonable time, that you may, if disposed, communicate with me on the subject by letter, or some mutual friend, such as Dr. Woods or Dr. Blagden. I can assure you that if I have occasion to publish, my object will be to disabuse the public mind, and to defend myself. Both law and gospel, — common sense and common justice, will declare such a publication to be a "privileged communication," especially in consideration of the many, and long continued, and unjustifiable means which have been used to crush and ruin me.

Yours, etc. J. H. FAIRCHILD.

My appeal to the public, and the doings of my church in this matter, occupied over two columns in the *Courier*. Soon after its publication I met Dr. Woods, who remarked that he had read it, and approved of my publishing it, and added these emphatic words, "*I think that the act of Dr. Adams in admitting suspended members to his communion, knowing them to be such, must open the eyes of pastors and churches, and call forth their rebuke.*" The publication of this document gave rise to several communications to the editor of the *Courier*. But on consultation with me, it was thought that the time had not then come for their publication. But now I feel myself justified in publishing at least two of them, — the first from an orthodox clergyman in Middlesex county, and the other from a doctor in divinity of the Baptist denomination.

*For the Boston Daily Courier.*

DR. ADAMS AND REV. J. H. FAIRCHILD.

MR. EDITOR, — The communication which you recently published in your paper from Rev. J. H. Fairchild ought to arouse the ministers of Christ, and others too, to examine the difficulty between him and Dr. Adams. When such a base and more than criminal attempt is made to destroy the character of any man, it is high time that public indignation were stirred. The facts disclosed in the paper from the Payson Church, clearly

proved by Dr. Cooper, yea, confessed by the miserable tool of others' baseness, shows that a more iniquitous plot was never conceived, and ought to lead every reader to ask himself if the same foul spirit has not prompted all previous attacks upon Mr. Fairchild. But I took my pen to speak of another point.

Even admitting that Mr. Fairchild is a vile man, I could never justify the course of Dr. Adams towards him. It has not been Christian. And now, from the communication of Mr. Fairchild, I understand that he laid the whole matter before Dr. Adams, informing him that he had no desire to appear before the public with this disclosure, if he (Dr. Adams) would but manifest the proper spirit towards him. *But Dr. Adams takes no notice of his letter.* Is this the way that the minister of the gospel should conduct? Dr. Adams must see that a foul plot has been invented to destroy the reputation of Mr. Fairchild. Even if every thing before were just as Dr. Adams had declared; here is an instance of baseness toward Mr. Fairchild almost without parallel. This, Dr. Adams cannot but see. And yet he pays no regard to it, and leaves the sufferer in character, as the priest and Levite left the poor sufferer by the way-side between Jerusalem and Jericho, *to take care of himself.* He has no sympathy for him, and pursues just such a course as seems to say that he is sorry Mr. Fairchild has discovered the plot. Is this Christian charity? Is this the golden rule exemplified? Is this distinguishing between right and wrong, — justice and injustice? Shall one Christian treat another, when crushed by rank injustice, just as he would when he believes that his adversity is deserved? I had verily thought that my sympathies were demanded, even toward the meanest neighbor I have, when vile conspirators are seeking to destroy him by deceit and falsehood. "Give the devil his due." Be content to see no man worse than he is. They, who have never condemned the conduct of Dr. Adams before, surely cannot vindicate him in this. Suppose he were to preach from the text, "As ye would that men should do to you, do ye also to them likewise," how would he unfold the truth herein contained without condemning his own conduct? Or suppose he should discourse upon the subject of charity, as treated of by Paul in the 13th chapter of 1 Cor., and show that "charity suffereth long and is kind," "is not easily provoked," — "thinketh no evil," — "rejoiceth not in iniquity, but rejoiceth in the truth," and how would he handle the subject, and at the same time protect himself? Would none of his hearers think —

ORTHODOX PASTOR.

The following is the communication from the Baptist clergyman.

MR. EDITOR,—A copy of the *Boston Daily Courier* has just fallen into my hands containing the Rev. Mr. Fairchild's appeal to the public touching some recent attempts of *certain well-known parties* to destroy his ministerial standing and usefulness. Mr. Fairchild discovers a great reluctance again to bring his private griefs before his fellow-citizens. This is not surprising; such reluctance is natural in a sensitive mind. Solomon has said, that, "*oppression maketh a wise man mad*;" and if that long persecuted and much injured clergyman should, however unwillingly, to vindicate what is dearer to him than life, resort to this only alternative left him, need any wonder? The writer of this is a clergyman, but not of the same ecclesiastical connection with these parties. I know very little more of these matters than what has been given to the public from the press, and do not presume to judge upon matters that are not within the province of any impartial man. But I venture the assertion, if Mr. Fairchild be not the worst man that a longsuffering God ever permitted to live, then one of the Boston doctors in divinity and one of its deacons have been pursuing a course which, for unrelenting cruelty and bitter hate, a very devil would blush to own. In the name of humanity and religion, both of which are outraged by such malignity to a fellow man, not to say a minister of Christ, I would entreat these men to desist from a course so revolting in itself; and so certain to meet in a coming day a terrible retribution.

They may have persuaded themselves of Mr. Fairchild's guilt of what has often been charged upon him, but never proved, although in all conscience his enemies have had no lack of opportunity or disposition to have proved it a thousand times, if they could,—but they should remember that a jury of his country, under the awful sanctions of an oath, have pronounced him innocent; and that this has satisfied, as it ought, all order-loving, and law-abiding men.

The conduct of Adams and Drake becomes an offence not only against Mr. Fairchild's legal rights, but against society itself, which, taking the matter in its own hands, may yet bring the offenders to a strict account; and from its just awards, neither wealth, rank, power, or place will afford protection.

Every Christian minister throughout this great country knows just as well as he knows his alphabet, that the course pursued by Dr. Adams in the case of Hunting and wife, as set forth in

this appeal, is an outrage upon all ecclesiastical law and order, whether as interpreted and understood by Episcopalians, Presbyterians, or Congregationalists. If he was honest in regarding the Payson Church and its pastor as unworthy of, and without ecclesiastical standing, then why not let them entirely alone. This would have been the course of a conscientious man, and would have secured him the respect of those who might judge very differently from himself in regard to Mr. Fairchild and his society. But Dr. Adams was obviously much more influenced by his bitter prejudices than by the dictates of conscience or duty. He may persuade himself that the case is otherwise with him, and his immediate friends and partisans may charitably believe it to be so; but impartial men and ministers of other persuasions will find it stultifying to all their common sense so to decide. A day will come when Mr. Fairchild can appeal from those who oppress and persecute him, to the God that made him and whom he serves, and get justice. It would be well for us all to remember how appropriate to that august occasion are the words of one of the sweetest poets that ever sung.

"The kindness I to others show  
That kindness show to me."

---

## CHAPTER XXIX.

HAVING announced in my address on the new doctrine of clerical privilege, that I should never cease my efforts while life remains, to get that false and libellous record expunged from the book of the Association, I concluded to make another attempt in December, 1853. I went, in the first place, to Mr. Dexter, pastor of Pine Street Church, supposing him to have been, at that time, the scribe. He corrected my mistake, informing me that Mr. Stone, pastor of Park Street Church, was scribe.

I told him that I was going to make another effort to have the records of the Association corrected with regard to my case, and expressed my desire that he would aid me. He replied that he was not a member when that record was made, and thought it belonged to those who made it, to rectify it, if it was wrong. I was going on to state to him wherein it was wrong, and to give my reasons why I deemed it his duty to assist by his voice and vote to set the matter right. But he was not willing to hear me, for he said that he was determined to ignore the whole matter, and had, in fact, absented himself from the Association, at certain times, when he knew that my case was coming up for discussion. Of course, I stopped arguing the matter. He treated me, however, very courteously, and ventured kindly to say to me that there was one thing which, in his judgment, appeared against me, — and that was the frequency with which I brought my affairs before the public, and that he thought it would be much more to my credit to let the matter rest, and that he had heard others express the same opinion. I simply asked him if he would remain quiet, and let the matter rest, if such a preamble and vote were on the records of the Association concerning him, which might be done with just as much truth and honesty as concerning me.

I then called on Mr. Stone, and had pretty much the same interview with him. I found him equally reluctant to hear an argument, and equally determined to ignore the whole matter. These gentlemen are editors of the *Congregationalist*; and if they had been as willing to ignore the subject of slavery as they were the matter of the wrongs which I have suffered from the tongue and pen and influence of Dr. Adams, they would never have had occasion, in noticing his "South Side,"

to utter such language as follows, which I quote from their paper of May 4th: "It is a fact that many and many a congregation in New England which, a year ago, would have welcomed his labors more quickly and warmly than those of almost any other living minister of Jesus, would now feel it to be a calamity and grief to see him ascending their pulpit stairs." These gentlemen knew or might have known years ago the grievous oppression and persecution inflicted on me by Dr. Adams; and if they and those other members of the Suffolk South Association, who sympathize with them on the subject of slavery, had taken the same firm and determined stand against Dr. Adams which they have now taken, and where they had a voice and a vote, my difficulties with the Association would have been adjusted and ended years ago.

I then went to Mr. Kirk; and as he was one of the original members who voted to make that record, and afterwards to reaffirm it, he was not unwilling to listen to an argument on the subject. He said he would do all he could to set matters right, — that he was convinced the record was wrong, and ought not to be retained. As that interview was late in December, he remarked that there was not time sufficient for him to do any thing before the next meeting on the first Tuesday in January; but assured me that he would converse with some of the members on the subject, and prepare the way for action if he could, at the meeting in March, and that if I would call a few weeks hence, he should then probably be able to tell me what could be done. And I called again as he suggested. He then said, he did not know that any thing could be done, for he had conversed with Dr. Adams on the subject, and that "he had put him all aback." He mentioned several reasons which Dr.

Adams gave why the preamble and vote should not be rescinded. At a subsequent interview, he again assured me of his readiness to set matters right; but intimated that he could do nothing more, and that I must take such a course as seemed to me most proper. Accordingly I prepared the following communication, which I addressed, through the scribe, to the Association at their meeting the first Tuesday in March, 1854.

SOUTH BOSTON, March 2, 1854.

To the members of the Suffolk South Association, particularly to Rev. Messrs. Samuel H. Riddell, Edward Beecher, N. Adams, E. N. Kirk, A. C. Thompson, Christopher Marsh, and Joseph S. Clark.

Gentlemen, — I thus single you out from your associates because you are, so far as I know, the only present *acting* members of the Association who took part in placing on your records, or in retaining there a certain preamble and vote respecting me, which I once more request you to rescind. After all the light which was thrown on those records before the referees in the summer of 1851, and from the legal consequences of which protection was sought, not on the truth of what you had there recorded, but behind the statute of limitations, and the plea of privileged communications, I was hoping that you would, of your own accord, do me the simple act of justice of making your records conform to the truth. But as nothing of this nature has yet been done by you, notwithstanding my solemn declaration publicly made two years ago, that I should persist in my efforts to obtain from you my just rights, and as life is uncertain, I am impelled by a sense of duty to myself and family and friends, not to remain quiet under the unjust imputations there resting on my name. I beg leave, therefore, to state to you in writing, the principal reasons on which I ground my request. And I trust that you will hear me out of respect to *my age*, as well as *my cause*.

*First reason.* Your preamble and vote of January 7, 1845, are not true. To convince you of this, and to save you the trouble of searching your records, I will here transcribe that preamble and vote:—

“*Whereas*, An ecclesiastical council held at Exeter, N. H., in July last, for the purpose of hearing and examining certain charges against the moral character of Rev. Joy H. Fairchild, a member of this Association, and at that time pastor of the

First Church in Exeter,—at which a committee of this Association was present,—did, by their result, declare Mr. Fairchild to be guilty of the crimes alleged against him, and therefore proceeded to depose him from the ministry: And

*"Whereas, Mr. Fairchild having denied the truth of said allegations, did persist in such denial to the last, and claimed that evidence in his favor was in existence, not then to be obtained on account of the absence of a witness: And*

*"Whereas, this Association, having waited till the present time, to give opportunity for further developments in the case, and in the mean time, having seen and interrogated the witness referred to, and carefully attended to certain publications put forth by Mr. Fairchild since his trial, are now satisfied that no valid evidence has appeared of the character claimed by the accused: therefore,*

*"Voted, That Mr. Joy H. Fairchild, for the crimes of seduction and adultery charged and proved upon him before an ecclesiastical council at Exeter, and for falsehood in denying the truth of these charges when brought against him, and in still persisting in such denial, be, and he is hereby separated from his connection with this ministerial association."*

The above preamble and vote you will find on your records of January 7, 1845, inserted there about three months previous to my trial and acquittal by the civil court.

I will now quote to you the result of the Exeter Council:—

*"The council feel compelled to express their deep conviction that Mr. Fairchild cannot be innocent in this matter; and that unless he can present a clearer vindication of himself before some tribunal more competent than ourselves to compel the attendance of witnesses and the utterance of all the truth, and till such act be done, he ought not, and so far as our decision goes, does not, longer hold the place of a minister in the church of Christ."*

Now please compare your record of January 7, 1845, with the above result of the Exeter Council. Your record says that I had been proved guilty before that council of three infamous crimes, whereas that council does not say that I had been proved guilty of any specific offence whatever. They expressly declare their incompetency to compel the attendance of witnesses; and therefore virtually recommend my going to another tribunal, which had the power not pertaining to the council, meanwhile suspending me from the functions of my office till the more competent tribunal had investigated and passed judgment on my case, plainly implying that when that

act was done, and a verdict of acquittal rendered, my suspension ceased, and my ministerial functions were restored. This was the meaning of the council, as understood by everybody at the time. And after having spent my little property to wipe off the foul reproach from my reputation, I did not even dream that I should lie for ever under the ban of a clerical association, by their stepping in between me and the verdict of my country. For in this case, my *civil* are my *ministerial* rights, since on the verdict of acquittal by the jury, the act of suspension by the council ceased, and my restoration to the functions of my office became complete.

At your meeting July 10, 1849, to act on my request to rescind your preamble and vote of January 7, 1845, you "voted not to rescind." You then appointed a committee to prepare a new draft, following, as far as possible, the very language of the Exeter Council in their result. At a subsequent meeting, this committee reported. I wish now to turn your attention particularly to that report, which you call a declarative vote. You begin with a preamble in which you profess "to follow strictly the language of the result of the Exeter Council." On reading that preamble, as it appears in the printed award of the referees, I found the very *gist* of that result omitted. On examining the records of the court, I learned that this omission was not a mistake of the printer. The omitted sentence is this, — "*and till such act BE done.*" I was obliged to go to the records of the court for information, as your former scribe, Rev. J. W. Alvord, said under oath that he could not give me a certified copy of your records relating to my case, "without exposing himself to a criminal prosecution." The omitted sentence seems to have been inserted by the council for the very purpose of rendering it impossible to misapprehend their meaning.

In this declarative vote you renew the act of separating me from your Association, (though I had not been a member, according to your own showing, for more than four years,) on the express ground of falsehood in denying the truth of the charges when brought against me, and for still persisting in such denial. You here reassert that I am guilty of the crimes alleged against me, from every imputation of which the civil court had fully acquitted me; for surely I could not be guilty of falsehood in denying charges, unless they had been true. It strikes me that your declarative vote (considering the circumstances under which it was made, it having been done years after the matter had been fully investigated in court, and

clearly proved to be a fiction and a lie.) is more objectionable than the original vote, and quite as inconsistent with the truth.

According to your preamble of January 7, 1845, I ceased to be a clergyman in July, 1844. If the Exeter Council *deposed* me from the ministry, as that preamble asserts, and since the Suffolk South Association is composed of clergymen only, why should such a vote be put upon your records six months after my deposition, — thus expelling a layman? Was not this a work of supererogation?

*Second reason.* A clerical association has no ecclesiastical authority whatever in Massachusetts, and consequently no right to deal with delinquent members in the way of discipline. They can drop the name of any member, as may a club of physicians or lawyers whenever they choose no longer to associate with him. But they have no right to publish him an immoral man, unless they are prepared to prove it before a competent tribunal. Least of all have they a right to brand his name with infamy in his absence, and without his knowledge. And I think you will admit that I have just reason to complain of your preamble and vote of January 7, 1845, when you reflect that two or three weeks before you did that act, I had published to the world, as you well knew, that I was soon coming to the very tribunal suggested by the Exeter Council. And having given you this notice, when I read in the Daily Mail in less than one week after your meeting, that you had expelled me from the Association, I could not but deem it a most cruel act, as it seemed intended to influence the public mind, and thus prejudice my cause on my appeal to the civil court.

*Third reason.* Your record repudiates and negatives the verdict of the only competent tribunal known to our laws to sit in judgment on such matters; and also the result of the Exeter Council, which result was made, by express provision, to be perpetuated or annulled according to the verdict of said tribunal, — a verdict admitted by judge and jury to have been rendered on the distinct merits and facts of the case, and not on any technicality of the law, — a verdict readily sanctioned by the public press, both secular and religious, with scarce an exception, throughout the country. And if a verdict so rendered, is of no avail, then of what use are our courts and councils, and what inducement has any man when falsely accused, to appeal to them for redress, and thus to meet the vast expense, and run the fearful hazard of being condemned, though innocent? If you disbelieve my statement as to the opinion of the judge and jury, please consult Governor Washburn who sat as

judge in the case, or Tisdale Drake, Esq., who was foreman of the jury. And is it right for those who inculcate upon their people obedience to the laws of the land, after such a verdict, to record a man as guilty, and to treat him as such? Is this "the charity which *hopeth* all things, and *thinketh* no evil?" Judge ye.

*Fourth reason.* Your record contravenes the universal maxim of law and gospel, that every man is presumed to be innocent, until guilt is proved. And why should ministers of the gospel of peace and good-will, suspend the operation of this maxim in reference to a brother clergyman? But I complain that you have disregarded this maxim. You have condemned me not only *without* proof, but *against* proof. I would not be uncharitable; but it does seem to me that there has been an effort on your part, to put the most unfavorable construction on all that I have said and done, and to turn it to my injury. The inquiry seems to have been, not how can a matter be explained consistently with innocence; but how can it be construed into an evidence of guilt? If *all your* conduct from boyhood through life, should be searched as mine has been, and so far as possible, turned to your disadvantage, I can only say, — the Lord have pity on you!

*Fifth and last reason.* Your record fixes a mark of infamy on my name, open to the inspection of every new member to the end of time, — an act which you have no more legal, or ecclesiastical, or moral right to do, than you have to fix the like stigma on the name of any other clergyman in Boston.

These, gentlemen, are the principal reasons why I ask you to correct your records, and make them conform to the truth. I ask not for readmission into your Association, or for ministerial fellowship from you, — such fellowship I have already from other quarters. Hence there can be no possible pretext for inserting any new vote in your book of records casting the least slur or reproach upon me. As I am not a member of your body, and do not seek for membership, my character is not before you for discussion. And as I ask nothing more of you than to make your records true, so I shall be satisfied with nothing less. A simple vote rescinding whatever may be on your records implicating my moral character, is *what* I ask, and *all* I ask.

I know that I cannot compel you by a suit at law to rescind your votes. If a jury should decide against you over and over again, you might still retain the obnoxious votes on your records. Under our Congregational form of church govern-

ment, there is no ecclesiastical tribunal before which to summon you, such as I should have, were we under the Presbyterian polity. And if I *could* compel you to do so, Christian ministers should be the last men to wait for the application of civil law to *force* them to do justly. All that I could do in such a case would be to expose your wrong doing more clearly to the world, and obtain from you pecuniary damages. But money is of little consequence compared with my just rights in the matter of reputation. True, money would be worth something to a man who has sacrificed all his earthly substance in defending himself from the unjust attacks which have been made upon him, — which sacrifice would, in my judgment, and in the judgment of vast multitudes, never have been required, had it not been for the course pursued by your committee in the grand-jury room, and at Exeter. But I have no wish to revive that painful subject; and I do sincerely hope that you will never give me any further occasion to do so.

The question submitted to you is this: *Will you do me a simple act of justice by making your records conform to the truth?* — in other words, *will you rescind your obnoxious votes respecting me?* Do not, I pray you, blink the question; for it *must* be met in some form or other. I do not wish again to agitate the public mind on this subject. I have little time and no inclination for such a service. I am now engaged in the great and laborious work of providing means for the erection of a church edifice, which I am quite unwilling to suspend even for a short season; but the defence of my reputation from such grave imputations, is paramount to all other considerations, and becomes as much my duty as to defend my life. And if the public mind *must* again be agitated, the world shall know that the fault is not in me, and that I did all which Christian forbearance could require me to do in order to avert it. I entreat you for the honor of the orthodox ministry that you will withhold from me my just rights no longer. That ministry has suffered grievously in the judgment of candid, unprejudiced, and intelligent men of all persuasions by the strange and unheard-of course pursued in reference to my affairs. It is frequently and truly remarked that no ministers of any other denomination in the land, were ever before known to be the *first* to desert a brother clergyman, and the *last* to submit to such a verdict as has been rendered in my case. You are doubtless aware that clergymen have, in a great measure, lost that strong hold on the respect and confidence of the people which they once had; and I ask you, as honest men, to say whether you think that the stigma which you

have so unrighteously and untruly fixed upon my name in your book of records, and persisted in retaining there with such unseemly pertinacity against the declared judgment of jurors and councils, is likely to strengthen that confidence? I am an authorized minister of the gospel, and the pastor of a regularly constituted church, as much so as either of you. The laws of the Commonwealth are as truly over me for my protection, as over you for yours. My standing, ecclesiastically and civilly, is as good as your own; for I presume that none of you will pretend that you were put into the ministry by wiser or better men than Rev. Drs. Woods, Burgess, French, Sheldon, and others of like character, who took part in the services of my last installation.

Previous to the charge brought against me in 1844, my character was as fair as that of any one of you. This was admitted by your committee before the council at Exeter, and distinctly stated to the court by Mr. Parker, the prosecuting attorney. It is nine years this month since my acquittal both by court and council. And what have I since done, except assert my just rights, and defend them against the most fearful odds? True, several most shameful attempts have since been made to blast my reputation and render me odious to the community; but a kind Providence has hitherto caused all these attempts to recoil on the heads of their authors. How then can you as ministers of the gospel, professedly possessing yourselves, and inculcating upon others, the spirit and temper of Christ your Master, who, when guilt was open as the day, mercifully said, "Neither do I condemn thee; go and sin no more,"—how, I ask, can you persist in retaining such disgraceful and false votes upon your records, not only *without* right, but *against* right? Is this as the gospel directs? See Matth. vii. 12.

I will here take the liberty to quote a sentence or two from a letter of Rev. George Allen of Worcester addressed to Dr. Edward Beecher, and which the doctor read at my request, to the Association when they met July 10th, 1849, to act on my request then made, and now repeated, to rescind their preamble and vote of January 7, 1845. "That the record," says Mr. Allen, "*was* and still *is* a libel, I have not a doubt; and if such is its character, then should the Association hasten to undo, so far as they may, so plain a wrong. That record, untrue in itself, is the only formal and official condemnation of Mr. Fairchild for the crimes alleged against him. No other record denies him any wonted ministerial standing. No verdict of jury touches his character. No result of council affects his

office. No council or court would have dared, on any evidence, to condemn him without a citation to appear before it, and confront his accusers. But the record of the Association condemns and inflicts punishment without the semblance of a trial by themselves, and against the verdict of a jury, preindorsed by a result of council. Such tyranny would be a reproach anywhere; but more than anywhere else, on the spot best known on all the face of the earth for its early, strenuous, and successful defence of civil and religious liberty."

I cannot but hope that you will now see the right, and resolve to do it. I feel quite sure that several of your number will do so, since they have already acknowledged me as the pastor of a sister church, by reading letters missive to their churches, avowing that fact, and inviting them, by pastor and delegate, to sit in council, and pass judgment on our doings. Consistency, therefore, would seem to require those gentlemen at least, to vote to rescind.

This communication is addressed to you, not in anger, but in grief. And if any one of you should censure me for what he may call my "bad spirit," and complain of me for agitating this question again, will he not ask himself how quietly *he* would rest, and in what terms *he* would address the Association, if a vote stood on your book of records declaring him to have been proved guilty of seduction, and adultery, and falsehood, and re-affirming it years afterwards, and in contravention of the well-known decision of court and council, thus rendering his name and memory infamous, and causing his descendants to blush for very shame, to the end of time. But such a record would not be more false respecting *him* than it is respecting *me*. And the legal and moral right would be as complete in the one case as in the other. I must be permitted here to say, that what greatly aggravates this offence is the fact that your vote of January 7, 1845, was kept from my knowledge, as to its nature and purport, for more than four years, and would probably never have been made known to me, had I not presented a call for it which could not safely have been refused.

You may possibly think that you can never be placed in circumstances requiring you to protest against the wrongs of your brethren. But you know who has said, "A brother offended is harder to be won than a strong city." You know, too, the history of Job; and you have not forgotten how confidently he once said, "I shall die in my nest."

I reassure you that I wish for no litigation. And one object of this letter is to prevent it. But if your action or want of

action on my request should *compel* me to commence a civil action, certain I am that it will not be left to the judgment of referees. I shall never be prevailed on again to take a just and righteous cause from a jury of twelve men, and submit it to the award of three referees, who may decide the matter against law and evidence, without the fear of having their decision reversed. "In vain is the net spread in the *sight* of any bird." I do not ask you to indorse my character; that has already been done by the highest tribunals known to our laws; and I am as much entitled to the protection of those laws as yourselves. But while I do not ask you to indorse my character, I hope you will be careful not to slur it.

And now, gentlemen, as I have in no case been the aggressor, but simply acted in self-defence, I beg you not to give me any occasion to appeal to you again on this unpleasant subject, or to the public through the press, or to the civil court. Let the controversy now cease. This, I think, is the dictate of wisdom. Whether this shall be done, depends on yourselves. A truthful and honest vote of six lines upon your records, will do it. But candor requires me plainly to declare to you, that I shall not cease my efforts while I live to obtain from you my just rights, and that I shall press this matter to the utmost limits which the principles of the gospel and the laws of my country will allow. *Knowing* as I do, that I am right in this matter, — *knowing* that law and gospel, court and council, truth and righteousness, common sense and common honesty, are all on my side, you cannot expect me to be quiet until that foul blot is expunged from your records.

Permit me, in conclusion, to say a few words to those gentlemen who have joined the Association since I was a member, and who have had no hand in *placing* or in *keeping* on record the offensive preamble and vote which I am seeking to have rescinded. If I knew *all* your names, I would here insert them. But I am ignorant on this point. Knowing that Messrs. Stone and Dexter were among the new members, I sought a personal interview with them, requesting their aid in the attainment of my rights. But as they expressed a wish to ignore the whole matter, and to take no part in the correction of your records, on the ground that if a wrong had been done, it did not belong to them to amend it, but to the original members; and presuming that others of your number might have the same opinion, I am anxious that you should distinctly understand the nature of my request, so that you may clearly discern your own position in relation to the matter of your records. Those records have

allen into your hands in fact, to be controlled by you in conjunction with the other members. I come to you and tell you that there is a vote recorded there deeply affecting my dearest rights and interests, and which I most explicitly state to you, is utterly false. I ask you to ascertain the truth of the statement, not by spending a week, or a day, or even an hour of your precious time in examining into the merits of my case, that you may be able to decide, each one for himself, whether I am an honest man or a knave. Though if I could prevail on you to do so, I should not fear the result; for I am confident that if you investigate the evidence in this case without prejudice, you will come to the same conclusion as did the Hon. William Jackson of Newton. This gentleman, after having read my address on the "New Doctrine of Clerical Privilege," took pains to examine critically all the printed documents in relation to the case. Having done this, he wrote me a letter, dated June 18, 1852, the whole of which I should be glad to copy here, if I felt at liberty to do so. As it was a voluntary communication, and no secrecy enjoined, I trust the honorable gentleman would not deem it any breach of confidence if I here quote a sentence or two. He says: "I have examined carefully all the evidence presented before the council at Exeter, and the court in Boston, and am convinced (nothing doubting) of your innocence in the matter. I am amazed, therefore, at the impressions which have rested upon my own mind, and on the minds of others for years, in relation to the whole matter; and I have no hesitation in saying that this evidence ought to have produced a different impression upon the minds of the Boston Association."

The question which I now submit to you for your decision, has nothing to do with the question of my innocence or guilt. That question is already settled by an authority which you cannot safely gainsay or resist. I ask you to give only ten minutes of your time to compare your preambles and votes with the result of the Exeter Council. Even if you were to assume that I am guilty, (though you have not a particle of moral or legal right to do so,) still you would find your record untrue; for it asserts as fact what never took place, and on that assumed fact, and on nothing else, it proceeds to pass sentence of condemnation upon me. And it is that sentence so rendered, and resting on such a miry foundation, which I ask you to aid in rescinding. If you need more light on this subject than you can derive from reading and comparing your records with the result of the council, please consult Rev. Rufus W. Clark, of East Boston, who was a member of the Exeter Council, and voted with the ma-

jority. And as I am informed that he is now a member of your body, you can easily ascertain what *he* meant by his vote on that occasion.

But the result of council speaks for itself. It is too plain to need any explanation. That short but pithy sentence, — "*till such act be done*," — a sentence omitted in your new preamble, tells you in unmistakable terms, what the council meant.

I beg you, then, as Christian men and Christian ministers, who profess to love the right and to eschew the wrong, to act in this matter as did the Good Samaritan, and not like the Priest and Levite, who passed by on the other side. Here is a brother clergyman suffering grievous oppression; and he asks you to aid in removing it by your voice and vote. Only imagine our circumstances reversed, and your duty will be plain.

Gentlemen of the Association, please send me a certified copy of your action in this matter. As the question before you is so simple, and requires no discussion, I trust that you will act on it without delay. What I ask is not a matter of *grace*, but of *debt*, — a *debt* which cannot be cancelled but by a plain and unqualified rescission. If you decline action, will you not be kind enough to give me due notice of that fact, and also a brief statement of your reasons; the receipt of which I will forthwith acknowledge.

Respectfully yours,

J. H. FAIRCHILD.

To the Rev. Andrew L. Stone, Scribe of Suffolk South Association, to be communicated to said Association at their meeting next Tuesday.

---

## CHAPTER XXX.

AFTER waiting more than four months, and hearing nothing from the Association in reference to the preceding communication, I concluded to address them again. And on the 8th day of July I sent another communication, with a note addressed to Mr. Stone, the scribe, to-

gether with a note to Dr. Edward Beecher. I subjoin a copy of my second communication, certain portions of which I did think of omitting to avoid repetition. But being desirous of having my readers further see what continued efforts I have made to induce the Association, in justice to themselves as well as to me, no longer to allow their records to falsify the truth, and not force me to arraign them before a civil tribunal, I have concluded to publish the document without curtailing, notwithstanding some of its statements are similar to those contained in preceding communications.

SOUTH BOSTON, July 8, 1854.

TO THE MEMBERS OF THE SUFFOLK SOUTH ASSOCIATION:—

Gentlemen,—On Thursday, the 2d day of last March, I left at the house of your scribe, Rev. A. L. Stone, a communication to be laid before you at your meeting on the Tuesday following. Having waited two weeks, and hearing nothing from your scribe as to your action on my communication, I wrote him the subjoined note:—

“SOUTH BOSTON, March 20, 1854.

“REV. A. L. STONE:—

“Sir,—On the second day of the present month, I left at your door (having previously ascertained that you were at home) a communication for the Association, which I requested might be read at their meeting on the Tuesday following. I requested, also, that I might be notified of their action in the matter. Having received no communication from you, I write you this note, with the request that you will inform me whether the Association took *any* action in the case, and if any, *what*. I will call in about an hour for your reply.

“Yours respectfully,

“J. H. FAIRCHILD.”

When I left the above note with the servant at the door, I was told that Mr. Stone was at home. I called at the expiration of the hour, and inquired first for him, and then for a note from him; but neither could be found. I concluded to wait till your meeting in May, hoping that my communication would then be *read*, if nothing more was done. As it was couched in

respectful terms, I thought that courtesy alone would secure for it a hearing at least. But having received no official information in relation to this matter, I once more request you to make your records respecting me, conform to the truth.

My reasons for making the request are assigned at some length, in my communication of March 2d. There are a few facts bearing on this subject, which I then omitted to state, but which I will now state with as much brevity as possible.

At your meeting of July 10, 1849, after having voted not to rescind your vote of January 7, 1845, you appointed Messrs. Beecher, Thompson, and Dwight, a committee to prepare a new draft, and report at a future meeting. Two of your committee, (Messrs. Beecher and Thompson,) without the concurrence of Mr. Dwight, reported the declarative vote spoken of in my other communication, which the Association accepted and adopted, in which I find the word "suspended," substituted for the word "deposed," as used in your preamble and vote of January 7, 1845. It is true that the Exeter Council did suspend me. And how long was this act of suspension to continue? The result of council tells you in these simple and unmistakable words, — "*till such act be done.*" And lest there should be misapprehension as to their true meaning, they expressly declare *what that act was* which must be done in order to remove the suspension. It was this; *I must present a clearer vindication of myself before some tribunal more competent than themselves to compel the attendance of witnesses and the utterance of all the truth*; in other words, I must go to a civil tribunal and obtain an acquittal. Suspension was then to cease, and restoration immediately to follow. Your committee (Messrs. Beecher and Thompson) who prepared your declarative vote, seemed to be fully aware of this; and therefore they omitted that brief sentence — "*till such act be done*" — which was the very hinge on which the whole meaning of the result of council turned. Had they inserted it, (and they profess to "follow strictly the language of the Exeter Council,") the insertion would have negatived the meaning and object of their report; for it would have shown on the face of it that the suspension was limited to a specified time, and that that time was the very moment of acquittal by the civil court. It is unnecessary for me to make comments on this omission.\*

---

\* The reader will observe that this communication is dated July 8, 1854. About the middle of January, 1855, a copy was put into my hands of all the doings of the Association in relation to my case from

You admit that the Exeter Council did not result in my *deposition*, (as you assert in your record of January 7, 1845, and which, on the 10th of July, 1849, you deliberately refused to rescind,) but simply in my *suspension*. Now if that act of suspension was not negated by the verdict of acquittal in court, pray tell me what the council meant by their result? Did they mean to say that my suspension should continue during the pleasure of the Suffolk South Association?

Take another view of the subject. I was restored to my office and standing, not only by the verdict of the jury, but by a subsequent act of an ecclesiastical council that installed me over my present church, — a council composed of men venerable in years and experience, and everywhere respected for their sound judgment and consistent piety.

But it has been said, I am told, by some of you that the only way for my regular restoration to the ministry was by the reassembling of the Exeter Council, that they might reverse their decision, and make it conform to the decision of the court. But that council was ecclesiastically dead. They did not adjourn to some future day; but, having made special and explicit provision in their result for me to refer the case to a jury, they dis-

---

June 24, 1844, to November 6, 1849. This copy was not furnished me by the Association, or by their authority. On examining it I found that the declarative vote, of which I have spoken, as being the report of Messrs. Beecher and Thompson, was an act of the Association done at the meeting, July 10, 1849, when they voted not to rescind their preamble and vote of January 7, 1845. This declarative vote was probably the joint labor of Messrs. Adams, Beecher, and Riddel, the committee who went to Exeter for the purpose of getting me deposed from the ministry, and came back and reported that the council *had* deposed me, and induced the Association to record that falsehood as the truth. At the same meeting, Messrs. Beecher, Thompson, and Dwight were appointed a committee "to consider whether any further entry upon our minutes is desirable with reference to the proceedings of the civil court and the installing council." At the meeting of the Association, November 6, 1849, that committee reported, in the absence of Mr. Dwight, "that the minutes placed in their hands appear to be a true statement of the facts; whereupon the Association, after hearing the minutes read again, voted that they are correct." They thus reaffirmed the truth of their libellous preamble and vote of January 7, 1845, and the correctness of all their other doings! I did not know what their declarative vote was till I read it as printed in the award of the referees, where I found the omission of the words, — "till such act be done."

persed, as all councils do, when their work is done. And if they *could* have been reassembled, what should they come together for? They had already resulted that an acquittal by a jury, should be an acquittal by the council. And was not that enough?

Permit me here to remind you of what took place at your memorable meeting of January 7, 1845, when you passed your vote expelling me from the Association for reasons which had no foundation in truth. Objections, I am told, were made against passing that vote, on the ground that it was premature,—that there was no urgent call for it,—that I had just given notice of my intention of coming on for trial as soon as I could make the necessary preparation, and that to pass the vote under such circumstances would be unjust to me, as tending to forestall public sentiment, and to prejudice my cause before a jury. In reply to these objections, it was urged that I was not sincere in my avowal, and that I never designed to give myself up for trial in Boston. And when it was asked, "What will you do with your vote if he should come on for trial and obtain an acquittal?" the reply was, "The vote can be easily rescinded." But there the vote stands, and has stood unrescinded for nearly ten years, in spite of the decision of councils, and jurors, and the remonstrances of friends, and my own earnest pleadings and importunities. And not only so, you retain it there in opposition to the published opinion of forty-six of the most respectable clergymen of your own denomination,—an opinion expressed in the following language: "The undersigned beg leave, as individuals, to say to all whom it may concern, that in our view, on the ground of the result of the council, and the verdict of the jury, the Rev. Joy H. Fairchild is, and of right ought to be, reinstated in his ministry, and restored to the fellowship and communion of the churches." This certificate was written and signed in July, 1845. And yet now, in July, 1854, you still retain on your records a vote falsely declaring that the council had proved and declared me guilty of seduction, and adultery, and falsehood, and expelling me from your body avowedly on the ground of such proof, and on no other! How ministers of the gospel of peace and good-will can persist in such wrong, is a question which I leave with you to answer.

But methinks I hear you reply, "This matter is no longer an open question. It was fully and finally settled by the award of the referees." But, Gentlemen, nothing ought to be considered as settled which is not right. And is it,—*can* it be right de-

liberately to place on your book of records a vote, declaring that a clergyman who is in as good standing, ecclesiastically and civilly, as yourselves, has been guilty of three infamous crimes, and declaring it not only *without* proof, but *against* proof? No, no; such a matter can never be settled, until right is done.

My main object in the libel suit against Dr. Adams was the protection of my character from the many aspersions which that gentleman had so unjustly cast upon it. But to my utter surprise, the referees decided that "the question of my innocence or guilt, not being submitted to them, they did not consider that question." Now the question, and the *only* question which I ever thought of submitting to them for their decision was this: *Are the things which Dr. Adams has said and written about me, true or false?* This question they never met. They took the ground that he was privileged to say and do all these things, whether they were true or false, right or wrong. I have been repeatedly assured by the ablest jurists in the land, that the award of the referees was not founded on any just view of the law, and that neither the plea of privilege nor the statute of limitations had any, except a *forced* application to the case submitted to their decision.

But, Gentlemen, I have done arguing the case with you. You cannot fail to see the right. The question is, will you do it? I shall be satisfied if you will only authorize your scribe to write on the margin of the page containing your preamble and vote of January 7, 1845, and also on the margin of the page containing the report of Messrs. Beecher and Thompson, these words, — "This vote was rescinded on this — day of —, 1854." Only do this, and direct your scribe to give me official notice of the fact, and you will hear nothing more from me. The controversy will then end, and peace be restored. But if you refuse, and the question comes again before the public, the responsibility shall rest on yourselves. If you think that the cause of truth and righteousness can be promoted by your persisting in this wrong, or any thing added thereby to the respectability and influence of the Suffolk South Association, I can only say that your judgment differs widely from that of multitudes in the community, both lay and clerical. But you must not expect me to be quiet, so long as that false and infamous stigma rests on my name in your book of records. Never will I cease my efforts to have those records set right, so long as God gives me a tongue to speak or a hand to write.

My appeal to the Association for my just rights is, with this communication, ended. But if you think that *might* can always

prevail against *right*, you may, ere long, learn your mistake. Do you imagine that you can safely do *collectively* as an *Association*, what each one of you would shrink from doing *individually*? for I assert, without the fear of contradiction, that not one of you would publish to the world your preambles and votes relating to my case, and certify, with his own name appended, that they are true. A regard to reputation, if nothing else, would prevent such an act.

Respectfully yours,  
J. H. FAIRCHILD.

Accompanying the preceding communication was the following letter addressed to the scribe.

SOUTH BOSTON, July 8, 1854.

TO REV. A. L. STONE:—

Sir,— In connection with this note, I send you a communication addressed to the Suffolk South Association, which I request you, as scribe, to lay before them at their meeting next Tuesday. What disposition you made of my other communication addressed to the Association through you, I am not informed. However anxious you may be to ignore the whole matter in relation to my case, you must, I think, know something about it, otherwise it is hardly credible that you would have taken so much interest in the affair as to have obligated yourself to pay Dr. Adams a portion of the expenses of his trial before the referees. Be this however as it may, as you have the reputation of being a warm friend of the oppressed, I will not do you the injustice to suppose it possible that you can have refused to read at least in *private* the communication referred to. And having read it, you must, I think, have seen that oppression exists in more forms than one. You must have seen, also, the great wrong which the Association have done me, and that it is your duty, as a member of that body, where you have a voice and a vote, to act in defence of the right. A few independent words, such as you uttered on the 4th inst., might go far towards bringing this unpleasant controversy to a close, and prevent any further agitation of the public mind on the subject. But I do not presume to dictate to you the course which you shall take in the matter. Yet I do presume that you wish to have justice done; and therefore I do not doubt that you will be ready to exert yourself for so desirable an object.

Respectfully yours,  
J. H. FAIRCHILD.

I soon received the following reply : —

Boston, July 10, 1854.

REV. J. H. FAIRCHILD : —

My dear Sir, — Your note of July 8th, covering a communication to the Suffolk South Association, was duly received. As to the first package of which you speak, which was sealed and addressed to the Suffolk South Association, I never knew from whence it came. I took it with me and presented it at the first meeting of the Association after its receipt. But that meeting was unusually crowded with business, — as we had a large number of appointments fulfilled, and four candidates to examine for licensure. Our meeting was protracted till late in the afternoon, and at the close of the examination, only four brethren were present. It was resolved to lay over all new business to the next meeting ; and the communication I think was not opened at all.

The note of which you speak as having left at my house, I never received, unless indeed it may have been without your signature, as I never *read* anonymous letters.

The next regular meeting of the Association was held at East Boston. I could not be present, as I was then moving into the country. I have not seen the records of that meeting, but was told that there were only three persons present, and no business was taken up.

We meet to-morrow at West Roxbury. But I shall not be present as I am preëngaged on committee at Harvard College. I will, however, transmit your communication, and in due time inform you of the issue. You will perceive that there has been no negligence and no intentional delay in the premises.

Very truly yours,

A. L. STONE.

The next day I replied to Mr. Stone, as follows : —

SOUTH BOSTON, July 11, 1854.

TO REV. A. L. STONE : —

Sir, — I have just received your note, and am not a little surprised at your statement that you never received my letter. I called at your house on Monday morning, March 20th. A female came to the door ; I inquired if you were in ; she replied that you were ; I gave her the note, with the request that she would hand it to you. It was sealed and directed to Rev. A. L. Stone. In about an hour I called for your reply,

according to my statement in the note. I inquired for you again, and was told that you were in. The girl invited me into the parlor, and went to call you. Just at this time Rev. Mr. Edgell called, and while we were conversing, the girl returned and informed us that she could not find you. I then asked her if you had left a note for Mr. Fairchild, and requested her to look on your study table for one. She returned and said that there was none. Mr. Edgell and myself immediately left, and walked some distance in company. He told me his business with you, and that he was coming on a certain Sabbath to preach to your people on the subject of his agency.

You say that you never received my note, unless it might have been without my signature, and that you never *read* anonymous letters.

You must think me amazingly stupid to write an anonymous letter and carry it *myself* to the door, and in it state that I should call for an answer in about an hour. And pray tell me how you could know it was anonymous without opening it and looking for the signature?

You will observe that the package which I left at your door, was not directed to your care *for* the Association, but to *you as scribe*, to be communicated at their next meeting. I took it for granted that you would open the package, that you might see what it was, and whether it demanded immediate attention; for if not attended to at the next meeting, its object might have been wholly defeated, and the reading of it at any future meeting rendered entirely useless. As you say that you knew not from whence it came, it might have related to a matter of so much consequence as to take precedence of all other subjects to come before the Association. I make these remarks, not to accuse you of negligence or inattention, but to let you see that it was no fault of mine that the communication was not read, or that you did not know its author and its contents.

I hope, my dear sir, that you will use your influence to have justice done. And in order to act intelligently in the matter, please read carefully my communication of March 2. All I ask is a simple vote of rescission. If any action is taken casting the least slur on my moral character, even by implication, I shall regard it as a new outrage upon my just rights; for I am not a member of the Association, neither do I ask for membership. In your action in the premises, I trust that you will do as you would be done by in similar circumstances. You are now the pastor of Park Street Church, standing high in the affection and confidence of the public. And I rejoice that it is

so. But unexpected changes often happen. The time may come when you will feel your need of the sympathy and assistance of your ministerial brethren. "You have been born; but you are not yet buried."

Respectfully yours,

J. H. FAIRCHILD.

Mr. Stone's reply.

Boston, July 12, 1854.

REV. J. H. FAIRCHILD :—

My dear Sir, — Yours of yesterday is received. I am sorry to say that the communication addressed to the Suffolk South Association which was *last* sent, did not reach them on Tuesday. I took the trouble to go over to East Boston on Monday to Mr. Clark's, who had the record-book, to ask him to take charge of the *book* and the *communication*, and convey them to the place of meeting. He was not in, and I left my request with his wife. Tuesday afternoon I received a note from him, saying that he *could not go*. I regret that there should be any delay in the transmission of what you sent to me, and I felt desirous to explain how it had again occurred. I have not learned the fate of the *first* communication yet, — but will communicate with you as soon as I see the record.

Very truly yours,

A. L. STONE.

The same day on which my last letter was sent to Mr. Stone, I left a note at the door of Dr. Edward Beecher, which I will here insert.

SOUTH BOSTON, July 10, 1854.

TO REV. E. BEECHER, D. D. :—

Sir, — Early in March I left with the scribe of Suffolk South Association, a communication to be laid before that body. Two meetings have since been held; but I am not aware that the Association has taken any notice of that communication. As another meeting is to take place to-morrow, I now write to inform you that last Saturday I forwarded to the scribe another communication. As you are especially interested in that communication, common courtesy seems to require me to state to you that fact. I have made my last appeal to the Association. When they hear from me again, it will be in some other form.

You must excuse me for expressing to you at this time my

utter amazement at the course which you have seen fit to adopt in relation to my affairs. I have no time to go into detail. But I ask you carefully to review your conduct towards me, beginning with the Exeter Council. Think of what you then said and did, not only in the presence of the council when in session, but during their recesses and adjournments. Think of the unkind and untrue statements which you have made about me before the Association and on other occasions. And above all please review the declarative vote which you and Mr. Thompson recommended to the Association, and caused to be placed upon your records. How could you, as an honest man, put your name to a report so unjust to me, and so inconsistent with the truth? When I read that report to a friend of yours, and to whose tongue and pen you have been somewhat indebted in former times, he remarked with a good deal of emphasis, "That is adding insult to injury." In your zeal for the oppressed slave, you seem not to be aware that there is any other oppression but slavery, — and least of all, that you yourself may be the oppressor. But let the Association, or any one of its members treat you, whether for your real or supposed delinquencies, as you have treated me, and you would soon be heard defending yourself with as much power and eloquence as you now defend the poor slave.

But I did not intend to write half so much when I took up my pen. I wish simply to say to you that it is now in your power to put an end to all strife between me and the Association. In my last communication I pointed out the way in which it can easily be done. If you can suggest a better way, so be it. Only let it be done. I do hope that I shall have no further occasion to move in this matter, but that you will take the ground at once that the Association must do me a simple act of justice by making their records conform to the truth. This is all I ask. But if you choose to have it otherwise, then you must meet the responsibility before God and man. For I am in earnest when I say that matters will not always rest as they now are.

Respectfully yours,

J. H. FAIRCHILD.

Dr. Beecher's reply.

Boston, July 12, 1854.

REV. J. H. FAIRCHILD:—

Dear Sir, — In reply to your note, I would inform you that I attended the meeting of the Suffolk South Association, but did

not find the communication to which you refer as your last. I have not seen the person who had charge of it, and do not know why he was absent. A committee, however, was appointed to receive it and your preceding communication, and to call, if expedient, a special meeting of the Association. Of their action, and of that of the Association, you will be notified as soon as they come to a decision.

I am yours respectfully,  
E. BEECHER.

I was very glad to receive such notes from Messrs. Stone and Beecher, as they seemed to indicate the near approach of that day which would terminate my troubles with the Association. I anticipated that very soon I should see a notice calling a special meeting of the Association. But several weeks having passed away, and no such notice given, I concluded that those notes were written without any previous consultation with Dr. Adams, and that he had since been consulted, and "had put them all aback," as he did Mr. Kirk. Remaining quiet till October, I then sent the subjoined note to Mr. Stone.

SOUTH BOSTON, October 2, 1854.

TO REV. A. L. STONE :—

My dear Sir,—In your note of July 12th, in reply to mine of the preceding day, you inform me that you were not able to attend the last meeting of the Association, and did not know the fate of my communication of March 2d, 1854. But you close your note in these words : "I will communicate with you as soon as I see the record." It is now nearly three months since you gave me this assurance. Presuming that you must have seen the record ere this time, I can account for this delay only on the ground of forgetfulness. I send you this note to "stir up your pure mind by way of remembrance," and to request you to communicate with me at your earliest convenience.

Respectfully yours,  
J. H. FAIRCHILD.

The next day Mr. Stone replied as follows :—

BOSTON, October 3, 1854.

REV. J. H. FAIRCHILD :—

My dear Sir,—I have been out of town, and out of the State for several weeks, and had forgotten your request. The matter is not yet quite complete. Both communications of yours are in the hands of a committee, who are preparing a minute, I believe, which will probably be communicated to you in a short time.

My impression is, though I speak without knowledge, that the former record, of which you complain, will be modified or erased.

Yours truly,

A. L. STONE.

On the same day that I addressed the above note to Mr. Stone, I sent the following note to Dr. Beecher :—

SOUTH BOSTON, October 2, 1854.

REV. E. BEECHER, D. D. :—

My dear Sir,—Your note of July 12th, in reply to mine of July 11th, was duly received, in which you notify me that you attended the meeting of the Association holden on the preceding day, and that the person who had charge of my communication, was not present. But you say that a committee was appointed to receive them, and to call, if expedient, a special meeting of the Association. And you add, "of their action and of that of the Association you will be notified as soon as they come to a decision." Presuming that they have by this time come to a decision, I hereby request you to give me the promised notice, and also the names of the gentlemen who composed the committee.

Respectfully yours,

J. H. FAIRCHILD.

To this note Dr. Beecher made no reply. It seems that before the next meeting of the Association they had appointed a new scribe,—the Rev. T. Laurie of West Roxbury. The next note which I received was from him :—

WEST ROXBURY, November 10, 1854.

REV. J. H. FAIRCHILD :—

Dear Sir,—At the meeting of the Suffolk South Association held at Brookline on the 7th instant, it was voted that,

owing to the absence of the volume containing the records referred to in your recent letters, action on your request be deferred till the next meeting, and the scribe was requested to communicate to you this action of the Association. I regret the delay, but as neither that volume nor your letters were present, it could not be avoided.

Yours truly,

T. LAURIE,  
Scribe of the Suffolk South Association.

If Mr. Stone, the former scribe, had written this note, there would have been no call for a reply. But after considerable reflection, I concluded to write to Mr. Laurie. And on the 5th of December I wrote him a long letter. I did not address him as scribe, but simply in his individual and private capacity. As he was a new member and a new scribe, my object was to make him acquainted with the present state of my affairs in the Association, so that Dr. Adams might not take advantage of his inexperience, and involve him in such serious difficulty as he had Mr. Alvord. As there is nothing in the letter of special interest to the reader, and no reason occurs why it should be published, I will not insert it.

The next day after the Association met in January, I received from the scribe the following communication:—

WEST ROXBURY, January 3, 1855.

REV. J. H. FAIRCHILD:—

Dear Sir,—As scribe of the Suffolk South Association, it becomes my duty to communicate to you the following extract from the minutes of the meeting of yesterday, namely:—

“The scribe reported that he had attempted to obtain the volume of records which contain the action of the Association in the case of Mr. Fairchild, but without success; whereupon it was

“*Resolved*, That in view of the absence of these records, as also of the committee having this subject in charge, final action in this case be deferred.

*"Resolved,* That the scribe be directed to make further efforts to obtain said records. It was also

*"Voted,* That the scribe be requested to communicate to Mr. Fairchild the action of the Association in his case at the present meeting, and to state what efforts have been made to obtain the missing records."

The scribe then goes on to state these efforts, and mentions that at the close of the meeting he found the records on the entry table among the hats, having been sent there by my junior counsel, in whose possession they were found.

Mr. Laurie closes his communication as follows : —

You will perceive that I write under instructions from the Association ; and as I do not feel at liberty to go beyond them, I must decline answering the inquiries in your letter of the fifth which came duly to hand.

It is with very great reluctance that I have any thing at all to do with the matter. I consent to write this only as a part of my duty as scribe of the Association, and wish to have no further connection with the affair than is thus rendered unavoidable.

Respectfully yours,

T. LAURIE,

Scribe of Suffolk South Association.

In this letter Mr. Laurie declines answering certain inquiries in my letter of December 5th. I was not conscious of having made any inquiries in that letter ; and after a careful perusal of the copy which I had retained, I could not find the least shadow of any inquiry whatever, which should put him so carefully on guard, lest he should transcend the instructions of the Association. On the 9th day of January I called on Mr. Laurie at his house, to ask him to be kind enough to explain what he meant by those inquiries which I had put to him. I called in a neighborly manner, and expected from him a neighborly answer. But I choose not to

narrate here the particulars of my interview with him. Unless duty should hereafter require their publication, I will content myself with quoting one single sentence from a letter which I wrote him a few days after, though I have on record a careful narrative of what took place on that occasion:—

When I called at your house last Tuesday, I addressed you, then an entire stranger to me, with whatever decorum and courtesy I could command; but the return from you was abrupt incivility and rude neglect, such as I have seldom known in my intercourse, for more than half a century, with any who made the least pretensions to goodbreeding, and such as I hope, for your sake, I shall never have occasion to publish to the world.

When Mr. Alvord was scribe, he acted under instructions, or rather, as he expressed it, under "restrictions" from the Association. But when he was put on oath, and the question was pressed home upon him, he confessed that the restrictions were laid on him by Mr. Adams, — that Mr. Adams thought he was doing his duty in not giving up the records, and that "*his refusing to testify would be a defence to him.*" Yes, there was Mr. Alvord testifying under oath that he did not know *absolutely* that Dr. Adams was a member of the Association, and that he could not give up the records, or even acknowledge his own handwriting, or that he himself was scribe of the Association, without exposing himself to a criminal prosecution! And doing all this under the instructions or restrictions of Dr. Adams! But I am told by Mr. Alvord's friends that he has since expressed his regret that he did not act on his own convictions of duty, and answer the questions put to him without equivocation or reserve. I am glad to hear of this confession from him. But the disgrace will adhere to him, wherever the case is known, as long as he lives. If Mr. Laurie had only known in what a sad predica-

ment Mr. Alvord was brought by obeying the instructions of Dr. Adams, he would, I doubt not, have taken a very different course. He is, however, in the way of learning, if he has not already learnt, that it will be much wiser and safer for him to follow the instructions of the Bible and his own conscience, than those of Dr. Adams.

---

## CHAPTER XXXI.

THE following communication was received from the scribe the day after its date : —

WEST ROXBURY, March 7, 1855.

REV. J. H. FAIRCHILD : —

Dear Sir, — At the meeting of the Suffolk South Association yesterday, the following votes were passed, namely : —

*Resolved*, That all votes upon our records in regard to Mr. Joy H. Fairchild's character and exclusion from this body be, and the same hereby are, rescinded.

*Resolved*, That in view of all the history of his case, in the opinion of this body, it is nevertheless inexpedient that his connection with this Association should be continued, and the same is hereby terminated.

*Resolved*, That the scribe be directed to furnish a copy of the above resolutions to Mr. Fairchild.

A true copy, — Attest,

T. LAURIE, *Scribe*.

The next day I addressed to the scribe the subjoined note : —

SOUTH BOSTON, March 8, 1855.

To the Rev. T. Laurie, Scribe of Suffolk South Association : —

Dear Sir, — Your letter of yesterday has just come to hand. And I send you this note to request you, *as scribe of Suffolk South Association*, to name to me the gentlemen who composed

the committee appointed by the Association at their meeting last July, to receive my communications and report thereon, agreeably to the notice given me by Dr. Edward Beecher in his note, dated July 12, 1854, and repeated in a note to me dated the 3d day of last October by Rev. A. L. Stone, your former scribe. I wish also to know the names of those who voted for the Resolves at your meeting on Tuesday last, and whether my communications of March 2, and July 8, 1854, addressed to the Suffolk South Association, were ever, to your knowledge, read to that body.

Please reply at your earliest convenience, and oblige

Yours truly,

J. H. FAIRCHILD.

After waiting about three weeks, and hearing nothing from the scribe, I called on him at his house the 4th day of April. And I take pleasure in stating that his deportment on this occasion was becoming a Christian gentleman. He acknowledged the receipt of my note, but had sent me no reply. I told him that I had come to look at the records, in order to obtain the information which I had requested him as scribe, to communicate to me, in my note of March 8. But I could not prevail on him to grant my request, though I asked nothing but my just right. He said that he was acting under instructions from the Association, and could not depart from them. And so I was obliged to return, as ignorant as I went, in relation to all the matters about which I sought to be informed. The following letter, addressed to the Association, I sent to the scribe :—

SOUTH BOSTON, May 7, 1855.

TO THE SUFFOLK SOUTH ASSOCIATION :—

In a former communication to your reverend body, I declared my purpose to make thereafter no claim by *personal* application, that you rescind your false and injurious vote of January 7, 1845. After its retention for so many years on your records, — after so full an exposure of its falseness, and after so many ineffectual endeavors to obtain from you an act of justice so

manifestly due, it did not seem becoming to me to call upon you again in any way that would find you insensible either to the source or the merit of the call.

The event, I need not say, has justified the expectation that a forewarning of danger would avail more than the just sensibilities of honor and conscience. I have accordingly received from your scribe a note, accompanied by the two following Resolves, the second of which is the occasion of these presents:—

*“Resolved, That all votes upon our records in regard to Mr. Joy H. Fairchild’s character and exclusion from this body be, and the same hereby are, rescinded.”*

*“Resolved, That in view of all the history of his case, in the opinion of this body, it is nevertheless inexpedient that his connection with this Association should be continued, and the same is hereby terminated.”*

The following statement of facts and principles will illustrate the character of the foregoing resolves, and with it the moral genius of the chief agents in those very remarkable transactions.

1. The false record was made January 7, 1845, and the Resolve which rescinded that record was adopted March 7, 1855.

2. The recorded vote of January 7, 1845, declared me to be no longer a member of the Association.

3. During those ten years I never met with the Association as a member,—never considered myself as a member,—was never considered as a member by the Association; but was always considered both by myself and them, as not being a member.

4. So far from being a member,—being treated as a member,—or having any privilege as a member, I was not even allowed to examine the records of the Association, but to the last they have been studiously, artfully, and sometimes by prevarication, kept from my sight and knowledge, so that I could not learn by inspection, or by information from the scribe, what they contained in relation to myself, and to the dearest interests I had this side the grave.

5. When in 1849, I learned for the first time the vote and record of January 7, 1845, and claimed that the false record be expunged, I was not allowed the favor, though I earnestly importuned it, of being present during the proceedings in regard to said claim; nor were the chief recorded doings respecting it ever made known to me by authority or permission of the Association, but were carefully kept from my knowledge.

6. For years I have been a member of another ministerial

body,—The Suffolk Central Fraternity,—comprehending in its plan, all the objects for which the Suffolk South Association was formed, and having all the inherent rights, powers, and privileges which the Suffolk South Association is competent to have and use with fidelity to the fundamental and constitutional principles of Congregationalism, which deny to ministerial associations all right of jurisdiction, authority of discipline, and power of censure, strictly confining such right, authority, and power to churches only, in all cases whatsoever.

7. No person ever becomes or can become a member of a ministerial association, except voluntarily, and by his own consent made known to it by himself.

8. From January 7, 1845, (when my membership in the Suffolk South Association *ceased*, and by its vote and record was declared to have *ended*,) down to the passage of the Resolve of March 7, 1855, which declares my membership to be *then in continuance*, and to *terminate then by force of that Resolve*, I had never in any way consented to the renewal of my extinguished membership.

9. No member of a ministerial association is under any civil, ecclesiastical, or moral obligation to remain a member of it against his own will. His consent to stay in it, expressed or implied, is as necessary as his consent to enter it. In either case his own good pleasure is a perfect law; and is all the law he knows, or can know of in regard to it. If he can be tied for a day he can be tied for life. He enters it on no condition of remaining in it beyond his own discretion. Were he to assume or consent to any other condition, it would be void from the beginning. It might conflict with duties of his profession, or with other duties, of whose claims he is the sole judge on earth. Evidently his own discretion is as competent in leaving, as in joining. He cannot be required even to declare his reasons for leaving. It may be that the stronger his reasons are for terminating his membership, the greater is the wisdom of keeping them to himself. In every way the liberty and the responsibility are all his own; and to infringe on them is arrogance and usurpation.

10. As the vote of January 7, 1845, which terminated my membership, was professedly based on a preamble that was false, so the rescinding of said preamble and its dependent vote would, *with my consent*, restore my membership by a natural and just effect,—that vote being, *in such case*, the only evidence of non-membership. But no such effect could take place *against my express dissent*,—such declared dissent being, of itself, *plen-*

ary evidence of non-membership, it being the right of every member of a ministerial association to dissolve his connection with it at his own pleasure, and notice thereof, either expressed or implied, being the only way by which he can dissolve it.

11. So far from claiming to retain my membership, and to hold it in continuance during the ten years in which the Association had by vote, record, and other ways, declared me *not a member*, and so far from *consenting*, in any way, to renew or acknowledge a membership which had so long ceased, I had expressly, and in writing, assured you, that I neither *was* nor *wished* to be a member of your body. Having had much and long experience of your stealth and indirection; having felt so often the inconvenience of your proclivity to annoy me by such covert and oblique ways as came short of legal responsibility; and not doubting of your future craft and double-dealing, if you could *conscientiously* invent a way that would shield you from a legal process, I was the more careful to cut you off from all pretext for shuffling, by the explicit declaration of my non-membership, by assuring you of my indisposition to renew it, and by a direct request that in rescinding your ten years' falsehoods, you would refrain from a mere discharge of bile on one whom you had already injured beyond your power of reparation.

12. My entire request and claim were fully answered and complied with by the *first* of the two Resolves of March 7, 1855, as that one Resolve, and that alone, completely rescinded the record complained of, — a record which was made by those who never were ignorant of the facts it denied and suppressed, and which having been pertinaciously kept and obstinately defended for more than ten years, was at last rescinded with no new light whatever, except that of public indignation, to convince them of its inexcusable falseness.

13. Comparing the record of January 7, 1845, with the *second* Resolve of March 7, 1855, and thus ascertaining their separate and joint import and mutual opposition, it appears that my membership in the Association both ceased and did not cease in 1845, — that for ten years it had no existence, and yet existed all that while, — that I was, at one and the same time, a member and not a member, — that membership continued ten years after it ended, — that it was terminated by each of two acts, one of which was done ten years after the other, — and what was fully done January 7, 1845, was not done at all till March 7, 1855. Will it not require more than a "conflict of ages" to reconcile such contradictions, and make them square with common sense and common honesty!

Such then are the essential facts and principles which illustrate the character of the two *Resolves* of March 7, 1855. Do they not exhibit a fit end of a false beginning, and shed a clear light on the history of intermediate years? Can the conclusion be escaped, that, however great was the wrong of making the false record, and of nursing it with fond and jealous care through all that stretch of time, it is exceeded by the meanness of the joint *Resolves* which rescinded the inveterate record, and yet contrived to perpetuate its malignity? If in so saying, I have used strong language, have I not spoken in well-measured words? Do not facts justify and require at least all that I have said? Can charity itself say that the inventors of such *Resolves* knew not what they were about? Their studied contrivance is only the more seen, the closer they are examined separately, and compared together. As the *first* of those *Resolves* fully rescinded the false record, and thus answered my entire claim, — as my membership had terminated by the recorded vote of the Association, ten years before, — as such had been and continued to be the understanding, declaration, and treatment of the fact by all concerned, neither party deeming or suspecting that my membership remained in continuance, — as a declared consent is always prerequisite to membership, and no such consent had been given, — as instead of expressing or intimating a willingness to renew the long dissolved connection, I had expressly assured the Association that I neither was nor wished to be a member of it, — as therefore, the *second* *Resolve* which declared my membership to be thereby terminated, could be of no practical or even theoretical advantage, or have any tendency whatever to any true and proper object of the Association, — and as the said *second* *Resolve* was not only wholly inoperative and nugatory, but must have been well known to the Association to be only superfluous, impotent, and void in respect of what it pretended to be and to do, does it not follow by inevitable inference, that no honorable motive could have prompted the invention of so shallow a device? Is it not evident, that instead of being a stupid blunder of doctors in divinity, it was a hopeful trick to preserve to the last at least a seeming consistency in folly and wrong, if under cover of it they might conceal their own mortified pride, and gratify a morbid appetite to do me harm?

Had the first of your two *Resolves* of March last, *completed* your doing in regard to me, such unwonted discretion would have spared me the necessity of rebuking the meanness and cowardice which your *second* *Resolve* betrays in the whole per-

formance. What though in the first Resolve you prefix a simple *Mr.* to my name, and thus deny me an official title which best becomes him who claims it least, I might well have overlooked the harmless fling, and smiled at the spent arrow, flung in your Parthian flight. But when I came to your second Resolve, and saw not only what it was in itself, but the mutual relations and bearings of both, I could not fail to see that in your reluctant retreat from apprehended danger, you still cherished the hope of doing in ambush, what you never had courage to do in an open field and by manly strength. When, therefore, I discovered that while holding out the calumet of peace, you were yet poisoning arrows in your lurking-places, I did not deem it wise either to myself or the public to leave you to your haunts unmolested.

I had heard and read of the skulking stealth of savage warfare, and of the implacable spirit of aboriginal hate; but I had not thought to see in this chosen place of civilization and blessed heritage of Christian light, a persecution at once so mean, vindictive, and relentless, carried on, in wily ambush, by titled ministers of the gospel of grace. The necessity of exposing it, like that of enduring it, is no choice of mine. From my discovery in 1849, of your false record of 1845, onward to your Resolves of 1855, your aggressions have compelled me to a defence which, of itself, is any thing but a pleasure. It is, however, some relief to be able to say, in behalf of religion and humanity, what many will be glad to know, that even in the Suffolk South Association there are ministers who never could consent to lead in so ignoble an enterprise, but who have wanted resolution to resist what in heart they abhorred. It is only another instance of what often happens in combinations of men, that the arrogant assume the responsibility of bad measures, and the diffident help their accomplishment as if they had no obligations of their own. There always have been, and there always will be, "masters of assemblies." The habit of submission becomes the strength of tyranny. Ten years have witnessed this unworthy truth in your own experience. If at the outset the followers had had half the boldness of their leaders, it would have saved the Association the disgrace of abortive meanness, the chagrin of exposed insincerity, and that public contempt which finds no relief in the consciousness of self-respect. The dignity of your office, and the titles given to adorn it, do but render more conspicuous the dishonor by which they are contrasted. Had your profession been that of jockeys, instead of the gospel ministry, and your celebrity that of wan-

dering sharpeners, instead of doctors in divinity, what more decisive proof could you have given of a lurch for small cunning and petty overreaching?

But whatever I may have hitherto had at your hands to complain of, I see much in your two Resolves of March last to be thankful for, though not to you. Though both were devised with the same meanness of spirit, and each was intended to aid the other in mischief, I should be especially grateful for that which was evidently expected to annoy me most. It is not in my heart to ask you to rescind that second Resolve, the culmination of ten years folly and shame. Let it abide on your records to the end of time. Let it remain closely associated with the first, that each may illustrate the other, and both together the moral genius of their inventors. Suffer no hand to obliterate any part of that epitome of a ten years' history. Let it not, like the doings of which it is the rival and the mirror, be hid in the privacy of a sealed book. Let no *future* scribe dread the frown of his masters for revealing its secret history, or giving a transcript of its expressive lines. Open wide the volume in which such oracles are written, and display to every new-made member and every casual guest, that memorial and interpreter of transactions which find no rival in the annals of clerical renown. I subscribe myself

Yours, J. H. FAIRCHILD.

Should any one of my readers think that I have, in the foregoing letter, given utterance to my indignant feelings in terms stronger and more vehement than the occasion calls for, I would request him to consider the facts and circumstances which called it forth. In my communications of March and July, 1854, I had given the Association distinctly to understand that a suit at law might soon be commenced, unless they removed that false record from their books. I also told them most explicitly that if, in rescinding, they cast any slur on me even by implication, I should deem it a fresh outrage on my just rights. And what have they done? The preceding letter answers the question. In their *first* Resolve they confess their wrong doing; but their *second* clearly shows that the confession was made by

constraint and without sincerity. By the one they escape the lash of the law; by the other they show a determination that no benefit shall accrue to me by the rescission of their libellous record. And who the individuals were that performed this deed of petty malice I am not permitted to know, though I requested the scribe to inform me, or allow me to inform myself, by examining the records. It might have been done solely by the committee, with Dr. Adams as their leader, who went to Exeter, and labored so incessantly and so unfairly to procure my deposition from the ministry, and who made their records falsely assert that I was deposed. Indeed, I have no knowledge that this last outrage was perpetrated by any specific members of the Association, or that any of them except that unknown committee of whose appointment Dr. Beecher assured me in his note of July 12, 1854, ever read my communications addressed to *all* the members, or heard them read. And yet the foregoing Resolves came to me as the official act of the Suffolk South Association, by which they completely estop me from all legal redress by complying with my request to rescind, and yet stigmatize and maltreat me to the last! I cannot here refrain from exclaiming with the prophet, "Tell it not in Gath, — publish it not in the streets of Askelon!"

## CHAPTER XXXII.

IN this chapter I am going to address my ministerial brethren. To those of you who have openly and fearlessly stood by me and sustained me in my trials, I feel under obligations of gratitude which I should in vain attempt to express. To those of you, especially, who have recognized me as a clergyman and a pastor in regular standing by exchanging pulpits with me, and my church as a regular church, by recommending your members to us, as more than twenty of you have done,—and to those clergymen of different denominations who have invited me into their pulpits, and have preached in mine, and by this act have expressed their confidence and sympathy, by which I felt greatly strengthened and encouraged in my trying position,—to all such my warmest thanks are due. But no one of them has laid me under greater obligations of gratitude than the late venerable and justly venerated Dr. Woods. When I think of that great and good man, and the truly Christian manner in which he treated me,—when I think how firmly and yet mildly, he met the opposition of Dr. Adams to his aiding in my installation,—how he resolved to do his duty to an injured and persecuted brother,—when I think of this, I say, my bosom swells with emotions of gratitude too intense for human language to utter. I am not ungrateful *to*, nor unmindful *of*, those other clergymen who took part in the services on that occasion; but probably none of them met opposition from so fearful a source and so difficult to withstand as did Dr. Woods. Venerable

man! His memory will ever be most precious to my heart. He was truly a friend indeed, because he was a friend *in need*. He has told me, in private, what powerful influences were used to prevent him from preaching on that occasion. When he was visited at Andover by Rev. Dr. Blagden, who came, as he told him, at the request of Dr. Adams and some of the other pastors in Boston, to dissuade him from attending my installation, he said to me that he heard Dr. Blagden urge all the objections which Dr. Adams and others had made to his assisting in my installation, (though Dr. Woods made this remark, — “Dr. Blagden assured me that he had no unkind feelings towards Mr. Fairchild,”) — after listening to these objections Dr. Woods said to Dr. Blagden, that in consequence of the opposition which some of his brethren had manifested to his taking part in installing me, he had been led to make it the subject of special prayer, and that the more he prayed the more he was satisfied that it was his duty to preach on the occasion. Who can blame me, after all this, for thus expressing my feelings of veneration and attachment to that man of God?

I have now something to say to the majority of the council who sat on my case at Exeter. Your result has been before the world for nearly eleven years; and I have never known but one construction put upon it out of your own body and the Suffolk South Association. You suspended me from my office till I should do a certain act prescribed in your result, — and till that act was done, you said you could not longer reckon me among the ministers of Christ. What was the irresistible, — the unavoidable conclusion from these premises? Why, certainly, that when that act was done, I was restored to the functions of my office; and restored without

any further action on your part, and that your future treatment of me should be in accordance with it. You suspended your final action on the verdict of a jury; and this you did for the best of all reasons,—your acknowledged incompetency to compel the attendance of witnesses and the utterance of all the truth. You then dissolved, and became defunct. You did not adjourn to meet at some future day on the call of the moderator or scribe. But like all other ecclesiastical councils of our order, “you died in giving birth to a live result.” And you must, I think, clearly see, if you will read what I have written, that there was no power existing in me, or in the church at Exeter, or anywhere else, to raise you to life again. Do you say that your result was uncongregational;—that I ought not to have been restored on the verdict of the jury, without further action by the council? I will not stop here to argue this point. Even admitting that your result was uncongregational, who ought to suffer therefrom, you or myself? I acted in good faith, and expected that you would do the same. Have you done so? In answer to this inquiry, I will here quote a single paragraph from a communication which appeared in one of our city papers a few years ago, written, as I was informed at the time, by a clergyman of another denomination.

Where, we would inquire,—where is the majority of that council which virtually assured him that if he would go to the civil court, and there obtain an acquittal, he should be restored to their favor and confidence? Has any one of that majority been near him to offer him sympathy and an exchange of pulpits? It is a fact of common notoriety that nothing of this kind has been done, but just the contrary. Now, there is only one principle on which we can explain such conduct: The priesthood in all ages, have offered sacrifices; and, as they cannot now offer goats and bullocks, they have chosen to sacrifice one of their own number, and thus make a remarkable display of their im-

maculate purity and uncommon piety! Surely, the Lord will remember them in the great day of account.

I do not fully accord with the writer in the views here expressed. I am too well acquainted with most of you to admit the correctness of all these remarks, without considerable modification. But the first half of it is literally true. Not one of you has said or done any thing which even looks like a redemption of your pledge. So far as I know, you have never uttered a single word, or done a single act by which you meant to do what you said you would do in your result. I would inquire particularly of Dr. Dana and Dr. Dimmick, the moderator and scribe of the council, whether they have done what they solemnly and publicly pledged themselves to do in case of my acquittal by the civil court? Have they "hasted with unutterable joy to reverse their present decision, and reckon me again among the faithful ministers of Christ?" Have they attempted to fulfil this pledge? Or if they made it hastily and without authority, have they told the world so? True, Dr. Dana has published that Dr. Dimmick said, in his name, what he did not authorize him to say. And what has Dr. Dimmick done who put forth this charitable assurance? He has treated me ever since, just as he would have done, if the jury had brought in a verdict of guilty.

I would here say that I have reason to believe that Dr. Dana and Dr. Emerson of Salem, as they have no pastoral charge, would have preached for me ere this, had it not been for the influence of Dr. Adams; for I am told by those who have better means of knowing than I have, that they very much regret that I should have been so pursued since my acquittal by the jury, and especially since my installation.

Dr. Storrs will excuse me for saying here that I did expect different treatment from him. From the stand which he took in my favor in the secret session of the council, as I have been assured by those who heard him, and the disappointment of the minority, that his vote was not with theirs for acquittal, and from his kind letter to me which is contained in a preceding chapter, and especially from the fact that he was a member of the council which installed me in this place in 1827, and preached the sermon on that occasion, and then virtually pledged himself to stand by and defend me from all vile attacks on my reputation, until I should be proved guilty of some crime which would disqualify me for the sacred office, and from the fact of his well-established character as a firm, ardent, able, and generally successful defender of his brethren when on trial for alleged misdemeanors,—for these reasons, I say, I did expect that Dr. Storrs, after expressing his readiness to sacrifice the last cent of his property and the last fragment of his reputation in defence of a deserving brother, such as he had always deemed me to be, he would be among the first to take me by the hand and bid me God-speed in my future efforts for Zion's welfare. I feel grieved at this. But I do not complain. I have no wish to reproach him. All the above-named gentlemen,—Drs. Dana, Emerson, Storrs, and Dimmick,—are good men, and men that fear God. They stand deservedly high in the esteem and confidence of the Christian public. But though honest and upright, they are men, and *fallible* men. And I *know*, as multitudes *believe*, that they have erred in this matter. And if they could only look at it as uncommitted, disinterested men, they would doubtless see their mistake as clearly as others do, and be ready, at once, to do all in their power to rectify it.

I would ask those of my brethren in the ministry, both old and young, who have hitherto stood aloof from me and regarded me as "a wolf in sheep's clothing," what have I done to deserve such treatment at your hands? Why, you say that I paid hush-money. So I did; and I explained to you the reason in my first chapter. I paid it on the same principle that the peaceful traveller would deliver up his purse rather than his life to the highwayman. And who could have a heart to cast reproach on any man for giving up his money to save himself from the fatal contents of a pistol pointed at his breast?

I know that some good people have asked the question, whether it would not have been much better to have trusted in Divine Providence for safety than in the payment of hush-money? I know and confess that my faith is not what it should be; and I have frequent occasion to lament its weakness. But did not Paul have strong faith and unwavering confidence in Divine Providence? Yet, on one occasion, when his enemies were lying in wait to kill him, he consented that his friends should let him down by the wall in a basket, that he might escape the threatened danger.

But mine is not the only instance of the payment of hush-money by a clergyman, when unjustly accused, in order to prevent a threatened scandal. Many of my readers doubtless recollect, that some twenty years ago, the Rev. Dr. Phillips of New York, one of the most respectable clergymen in that city, was accused of a similar crime, and who actually paid hush-money more than once, on the same principle that governed me. But he afterwards voluntarily submitted his case, as I did mine, to the decision of a legal tribunal, and he was triumphantly acquitted by the jury, as every reader *knows* was the case with me. Now suppose that his

brethren in New York had treated him as many of my brethren in Boston have treated me. Suppose that Dr. Spring, at the head of the Presbytery there, had taken the same stand against him as Dr. Adams, at the head of the Association, has taken against me here, and continued it for *ten* years; his fate might have been no better than my own. But did his brethren thus treat him? Did they thus desert and denounce him? Not one of them. They all congratulated him on his acquittal, and gave him *then*, as they do *now*, their unwavering confidence. If they had *any* secret fears that all was not right on the part of their brother, they kept those fears to themselves, and were happy that the civil law had prevented the reproach and disgrace which would otherwise have rested on their profession. Was this owing to the fact that he was then pastor of a rich church in Wall street? I think not. Or was it owing to the fact that his brethren *there* were naturally more kind and charitable than my brethren *here*? Perhaps not. But this was it. His brethren there did not commit themselves against him by sending a committee from the Presbytery to consult his accuser, and listen to her statements in his absence. Dr. Spring did not say to one, before he saw him, "There is not one chance in a hundred for his escape." Neither did he say to another, soon after he *did* see him, "I saw the picture of hell in his countenance." Neither did one of the committee bring her into court leaning on his arm. They, therefore, had no preconceived and preexpressed opinions to forego. They were not called on to utter the three hardest words in our language to pronounce, — "I was mistaken." Neither had they committed themselves to sustain any deacons, who had promised to pay fifty dollars a year for ten years, in case of his conviction.

The father and the daughter, if I have been correctly informed, were the only conspirators in that affair. If my brethren had acted as wisely, and judiciously, and christianly, as did his, all would have been well, and Christ would not have been thus wounded in the house of his friends.

What else have I done? Why, it is said that I acted very unwisely, if not criminally, in returning to South Boston, or, as Dr. Adams intimates, in his remonstrance against my installation, that it was inexpedient for me to preach in Boston and vicinity, however it might be in places more remote. And he says expressly, that my "settlement here would probably sever some of the cherished friendships and intimacies in which the pastors are all now so happy." But if such disastrous effects *have* followed, or *shall* follow my installation over my present church, whose fault is it? I came not here to sever cherished friendships between pastors, or to cause divisions and heart-burnings in the churches; but I came because I judged it my duty to come, — because I had a right to come, and because wise counsellors advised me to come. And if Dr. Adams and his friends had been willing to submit to the verdict of an impartial jury, and the consequent acquittal by the Exeter Council, no clerical or pastoral friendships would have been severed, and no divisions and alienations caused in the churches. Besides; where else could I have gone with any hope of usefulness or safety? Let me have retired to ever so great a distance, how long should I have been there before another "Epaphroditus" would have been sent after me, as was the case at Exeter? My enemies, by their anonymous communications, drove me from that delightful residence, where I was happily and usefully settled over a large and intelligent parish. And so

they would have done, I feared, let me have gone even to Canada for a home. I came here because here I had friends who knew *me* and my *enemies*, and could judge between us,—friends who were familiar with all the circumstances of the case, and on whose minds scurrilous circulars and letters could have no effect. Where should an innocent man go to defend his reputation when wickedly assailed, but to the very place where the assault was made,—among his neighbors and friends, who had long known and confided in him? Surely, if he cannot regain his reputation where he and his assailants are best known, it would be in vain to make the attempt among strangers.

Another wicked thing that I am accused of is, commencing a suit at law against Dr. Adams. But what fair-minded man can say so or think so, after having read this book, and especially after reading what Mr. Clifford says in his argument touching this point? Every candid reader must see that I took all possible pains to have a simple act of justice done me without a resort to civil law,—that I strove to avoid its commencement, and sought through his counsel and others, to prevent its prosecution after it was commenced. No one can doubt the truth of this statement who has read my communications to the Association, or my letter to Mr. Sumner, or my correspondence with Mr. Choate. But Dr. Adams forced me to take this step. Let me refer the reader back to Mr. McClure's testimony before the referees. He there stated that the getting up of the medical fact was a distinct challenge to me by Dr. Adams, to prosecute,—not himself, indeed, but the publisher, or Deacon Drake, the signer, and that he was astonished it did not have that effect. But so reluctant was I to go to law that fifty-six of my parishioners

signed the reply to that pamphlet, spoken of in another chapter, which we supposed would satisfy everybody that the statements there made were *false* as well as filthy. And then, because I did not prosecute, Dr. Adams taunted and reproached me for want of courage! I will here quote the testimony of Rev. Louis Dwight. Mr. Dwight says, "I was walking in Tremont street, and Dr. Adams crossed the street to me; and in a conversation about this matter, he said that Mr. Fairchild wanted courage to prosecute. I told him, (having in my mind what Mr. Fairchild had gone through with,) that I thought he had courage, and enough of it too." Not to have prosecuted under such circumstances would have been a forfeiture of all self-respect, as well as the respect of every virtuous and high-minded man in the community.

But there is one thing more which Dr. Adams thinks disqualifies me entirely from appearing in *any* pulpit, especially any pulpit in *Boston*; and that is, the character and tone of my writings. That I may not misrepresent him, I will quote a single paragraph from his remonstrance to the council that installed me.

If a candidate for licensure who had done and written such things as Mr. Fairchild has avowed and published, should appear before any of our ministerial associations, we would ask whether it is probable that they would consider him a fit person to be invested with the sacred office? We shall rejoice if Mr. Fairchild can make himself useful in any suitable employment, but having in mind the associations which will naturally be awakened in the minds of the people by his appearance in the pulpits at least of this city and vicinity, we feel constrained to remonstrate, as we now do, against his installation here.

Perhaps it would be deemed unbecoming in me to speak of the moral tone of my writings, or to utter one word in their defence. The public are the best judges

as to that matter; and to their judgment I cheerfully submit. I must however be permitted to say one thing: If Dr. Adams will convict me of writing to him or to any human being such a letter as that which he wrote to me from Marblehead, or such letters as he wrote to Mrs. Jewett, of Pittston; and above all, of furnishing the materials, and eliminating passages, and criticizing sentences, and preparing for the press such an infamous pamphlet, so foul and false as the *Medical Fact*, I will promise forthwith to quit not only *Boston* pulpits, but *all* pulpits, and quit them *forever*. And I should deem it a Christian duty to clothe myself with sackcloth, and walk softly, and humbly, and penitently before God all the rest of my days. Does Dr. Adams think that his appearance in the pulpits of this city and vicinity, awakens in the minds of the people no unpleasant associations in connection with the strange letters above named, and that vile pamphlet, and that unchristian spirit which he has indulged towards me for years; to say nothing of his recent book on slavery?

As Dr. Adams has set the example of supposing cases, I will suppose one. Suppose that he himself were now without a pastoral charge, and that some church had extended to him a call; and on his acceptance thereof, an ecclesiastical council had convened to examine and install him, if they found no valid objections. Now suppose that in the course of this examination, evidence came before them not to be called in question, that he had openly said of a minister of the gospel in good standing ecclesiastically and civilly, that he had ceased to discriminate between truth and falsehood, — that he was the wickedest man that walks the earth, — and had contracted, by his vices, a loathsome disease, — and was, in a word, the very personification

of hell itself! And suppose further that it should appear before the council that he had been publicly accused of saying these things and actually brought before a civil tribunal to respond to them, and that instead of attempting to prove that they were true, he set up, in his defence, the *plea of privilege* and the *statute of limitations*, and on that ground *alone* and *behind that shield* he had been protected from the punishment justly due to so grave an offence; how pertinently might his own question be asked here, "whether it is probable that they would consider him a fit person to be invested with the pastoral office?"

---

### CHAPTER XXXIII.

WHETHER the following inferences are legitimately drawn from the preceding "remarkable incidents," must be left to the judgment of my readers. To my own mind they follow naturally and irresistibly.

1. Dr. Adams has been the principal cause of all my trials and difficulties as I have been narrating them, from the 18th of June, 1844, down to the 7th of March, 1855. As I did not answer the question which he says he put to me on the morning of that 18th day, he made up his mind at once that I was guilty, and saw, as he said, "the picture of hell in my countenance." And the "impressions" which he then received, nothing has been able to remove. Since that period he seems to have been unwearied in his efforts to fasten the same

impressions on the minds of all whom he could influence; and his influence over his brethren, till recently, has been almost unbounded. To carry his point he has even gone out of his own denomination. A very respectable clergyman of the Unitarian faith, who was settled at the time of my trial in court, near Boston, said to me since my installation over my present church, that after my triumphant acquittal by the jury, he wrote me a letter expressive of his sympathy and kind feelings, and was about mailing it, when he had an interview with Mr. Adams, who gave him distinctly to understand that he believed me a guilty man, and that he had better bestow his sympathy on some more worthy object. That clergyman has since sent me the letter; and on reading it, I felt truly grateful to him for the deep interest which he took in my case, and his kind endeavor to say something to comfort and encourage me. He performed this brotherly act as readily and with as good a grace as though I had belonged to his own denomination. And I never see him or think of him without emotions widely different from those excited by the sight or thought of Dr. Adams. Had it not been for Dr. Adams, I do not believe that Messrs. Riddel and Beecher would have pursued me beyond my acquittal, — no, nor even Deacon Drake. But having such a leader and adviser, they have done that which is a disgrace to humanity, not to say Christianity.

2. Had it not been for Dr. Adams, if I have been correctly informed, I should never have been indicted by the grand-jury.

3. Nor should I have been suspended by the council at Exeter in consequence of his testifying on oath, to impressions which he knew must injure me, and suppressing facts in his possession which would have been a defence to me.

4. Nor been obliged to sell my house and expend the avails of it in self-defence.

5. That the whole difficulty would have been settled by the verdict of the jury, and passed into oblivion years ago.

6. That the alienations and heart-burnings between pastors and members of churches on my account would never have been known.

7. That the enemies of the ministry and Christianity would not have been furnished with so fruitful and apparently so truthful a source of argument against religion in all its forms.

8. That the Orthodox denomination has suffered grievously in public opinion by the singular course which certain influential pastors have taken in this affair.

9. That the plea of *privilege* to slander me, behind which Dr. Adams sought protection, was unmanly and degrading to a Christian minister.

10. That I have been required to do what is not demanded either by law or gospel, namely, — *to prove myself innocent*. Dr. Adams has acted towards me as though he had a right to treat me as a knave, not only until I had proved my honesty, but *even after it had been proved*.

11. That Dr. Adams cannot plead in justification of his treatment of me, that he was acting in self-defence, since I never made any attack on his character or reputation, nor have I, notwithstanding all his ill treatment, ever taken any special pains to ascertain the truth of any stories which may have come to my ears, implicating him in any delinquency, whether in his father's house, or in the school-room, or in college, or in his colleague pastorship with Dr. Holmes, or in his present position as pastor of Essex Street Church. I trust that *I shall never be left to descend to such meanness*. I

have done nothing but repel the attacks which he has made upon me.

12. That had not Dr. Adams been the spiritual adviser of a scandal-woman, he would never have had occasion to call an *ex parte* council to sustain him in his inglorious work.

13. That there is a great deal of truth in the old adage, "clerical hate is the worst of all hate." And every one knows that the more injuries a person tries to inflict on another, if unsuccessful, the more inveterate becomes his hatred.

14. That the doctrine of a particular providence is true. On this inference I must be permitted to enlarge. My history, as I have been relating it, is full of providential interpositions. Whoever may doubt the doctrine of a particular providence, surely it does not become *me* thus to doubt. I think I may say with David, "If it had not been the Lord who was on my side, when men rose up against me, then had they swallowed me up quick." With such a combination against me, so powerful and so long continued, it is a wonder to myself, as well as to others, how I have been sustained; and the question has been often asked me, "How have you lived through such a scene of troubles?" My uniform reply has been: "A man, with a good conscience and a good wife, can stand any thing; and I can truly say that I have felt their sustaining power." And does it not seem a wonder to my readers, (it certainly does to me,) that I still stand up in the pulpit, and still have a church and congregation to attend on my ministry, after so many and such unscrupulous efforts have been made to silence me and scatter my flock? Suppose that certain influential clergymen of any of the denominations in this city, should deem it expedient, for rea-

sons perfectly satisfactory to themselves, to prevent one of their brethren from further performing the duties of his office. Let that brother be one of the most gifted and popular of them all,—one now standing on the very pinnacle of fame. To accomplish their object, they need not accuse him of any crime. But let them withhold fellowship from him. Let them exclude him from their pulpits. Let them refuse to recommend their members to his church. Let them expel him from their association, and carefully abstain from any and every act whereby they might recognize him as a minister of Christ; and let them do all this without publicly assigning any other reason whatever than this, “We claim it as a matter of *privilege*, because we are clergymen.” Does not every reader believe that such a pastor, however high and enviable his standing may have been, would feel as uncomfortable and as much embarrassed in his position, as I have felt in mine?

But in addition to all this, let them call him by all the most infamous names, and accuse him of all the most infamous crimes which the tongue or the pen of man could utter, as I have been called and accused by one, at least, of the Orthodox clergy—I mean Dr. Adams—and whom they still regard as in good fellowship, without a single note of remonstrance or censure, and thus by their silence, giving their assent to the whole. Let them or their coadjutors go round among the members of his church and parish, and represent to them that their interest and reputation will be benefited by withdrawing from his ministry. Let them use their influence with pastors in the country, and with one or more of the leading members of their churches to prevent an exchange of pulpits with him, as has been done, in more instances than one, in my case. Let the

agents of the various charitable institutions whose headquarters are in Boston, and who go out among the churches to solicit their contributions, and whose offices and salaries are, in a great measure, dependent on the favor and recommendation of the clergy in the city, — let these agents, I say, help on the work of ruin wherever they go, by dark hints and significant inuendoes, — let them thus hold him up as a target to be shot at from all quarters; and should any clergyman express sympathy for him, or any layman propose to attend on his ministry, then let their battery be opened on them also; and let them pursue this course towards him for ten long years, as in my case, even after the most thorough and impartial trial, and the fullest and completest vindication of himself from every charge brought against him, — and where, — *where* would he be at the end of those years, though he were as pure and innocent as an angel of light? I pray God that he may never have occasion to answer this question by experience! And if he and his church should live through all this, would he not be justified in attributing their preservation to the special interposition of Divine Providence?

I have spoken of the agents of our religious and charitable societies, as seconding the efforts of Dr. Adams to injure me as a clergyman. This remark is not applicable to them *all*. There are some honorable exceptions. Three of these agents are members of the Suffolk South Association, and two of them, as I have been credibly informed, have spoken and acted in favor of retaining that false and libellous vote upon their records. One of those gentlemen has the whole commonwealth as his field of labor, and the other, I am told, is now visiting the churches in two of the adjoining States. And does it seem incredible that these agents, in their

intercourse with pastors, should be forward to justify themselves and the Association in their treatment of me? Is it not reasonable to suppose that they would defend Dr. Adams with earnestness and zeal? And if they have not done this, then my information has not been correct.

But this is a digression. I was speaking of the interpositions of Providence. These have been somewhat numerous in my history, as the reader has doubtless observed. I will just allude to some of them: The preservation of my life when in imminent peril,—my release from the further payment of hush-money by the deacons assuming the responsibility,—my knowledge of Dr. Adams's letters to Mrs. Jewett,—the manner in which a copy of Mr. Patton's letter came to me, and the letter of Deacon Drake to Dr. Sheldon,—also the placing in my hands, through the agency of Deacon Drake, and without any expense to me, so valuable a document in my defence as Dr. Hayward's deposition,—the discovery of Dr. Adams's agency in The Medical Fact, and also of the writer of the anonymous letters which two experts swore upon me,—the exposure of that infamous plot to ruin me by means of Hunting's false certificate, and my ability to meet and thwart my enemies whenever they have made a new attack upon me.

15. That it is unwise and unsafe to commit one's self on *ex parte* testimony. I do not believe that any of those clergymen who have taken part against me,—no, not even Dr. Adams himself, were actuated *at first*, by any feelings of enmity or unkindness. I am not aware that one of them even *suspected* me of any moral delinquency till June, 1844, though I had then been living among them, on terms more or less intimate,

for nearly fifteen years. But they hastily, and on partial and defective testimony, committed themselves. And, considering what poor human nature is, everybody knows that most men are quite unwilling to acknowledge an error, or confess a fault. With regard to Dr. Adams, it is well known that he is remarkably set and unyielding, and seldom or never retracts. If any one ever before doubted that this is a prominent trait in his character, he must surely have been convinced by the publication of his "South Side View of Slavery." He was entreated not to publish by clergymen and laymen, by friends in his own church and out of it. Even Dr. Lowell, that venerable and highly respected clergyman, wrote him a letter, beseeching him not to publish. And it would seem that his letter made such an impression on the mind of Dr. Adams, that he sent a note to Dr. Lowell, giving him the consoling assurance that he would not publish. But it is evident that both the impression and the assurance quickly passed away and were forgotten. For the publication of his book was soon announced. And having formed his opinion in my case so suddenly and expressed it so confidently, and been so determined not to take back any thing, that he has, for years, been committing himself over and over and over again, and has had sufficient influence with other clergymen to induce them to do the same. And he has doubtless felt himself strengthened and sustained by every new accession to the number of his sympathizing friends. And he seems to have been fully aware that he had gained an important point by influencing any member of the Exeter Council, or any pastor in Boston or vicinity to commit himself against me *in the slightest degree*. Hence his successful effort in preventing the moderator and scribe from reassembling the Exeter Coun-

cil after my acquittal in court, agreeably to their pledge publicly given. And though he could not prevail on them either to sign his remonstrance or to send one in their own name to the council that installed me in November, 1845, protesting against their performing that service, yet he did succeed in obtaining from them a letter, in which they recommitted themselves against me. Dr. Adams was also successful in procuring the names of thirteen pastors in Boston and vicinity to his remonstrance against my installation, though Drs. Codman, Albro, Stearns, and some others, refused their signatures. Those who signed it were made to say, by Dr. Adams's "finesse," that it would be impossible for them ever to acknowledge me as a pastor, or have fellowship with any church that might employ me, thus committing themselves in the strongest possible terms against me, though some of them were so strangely inconsistent, that in September, 1852, they could read to their churches a letter missive, and take action thereon, consenting to become members of an *ex parte* council to sit in judgment on our doings, and thus acknowledge fellowship with my church, and myself as its pastor! This acknowledgment they were led to make at the instance of Dr. Adams, who doubtless expected thereby to banish me for ever from the pulpit. Indeed, the main argument of the Huntings, in justification of their conduct was, that, if my church would get rid of me, then the other churches in the city would receive them into fellowship, and erect for them a church edifice, which they said was a praiseworthy object, as it would reconcile the pastors now at variance on my account, and restore harmony of feeling to the churches. This argument has the appearance, at least, of having been suggested by "their spiritual adviser."

What was the object of Dr. Adams in his advice to

the Huntings to call an *ex parte* council? He knew as well as he knew his alphabet, that in disciplining those persons, my church had taken the precise steps pointed out in the gospel, and in the platform of our churches, and was not amenable to any council whatever. He probably knew, too, the character of the woman he advised to testify against me, for she had formerly been a member of his church; and had he not known her, I think he would never have presumed to make a tool of her to accomplish his unworthy purpose. Neither was he ignorant of the fact, that had her character as a truthful witness been unsuspected, both law and gospel forbid the trying of a man on such a charge, where it was not even pretended that there was more than one witness. The unavoidable inference, as it seems to me, is this, — Dr. Adams was well aware that those pastors whom he could induce to become members of that council, would, by so doing, commit themselves against me once more. He was aware, too, that all the delegates of the churches would thus commit themselves. The bare fact of accepting the appointment as delegates would commit them. Neither pastors nor delegates would wish to confess that they were duped by Dr. Adams, in causing them to be assembled in council, when there was nothing for them to do. Of course they must render some plausible excuse for assembling and not acting. And I am told that their excuse, — I ought rather to say, the excuse which Dr. Adams gives for them, is this: "Mr. Fairchild is undoubtedly guilty; but as there was only one witness, it could not be legally or ecclesiastically proved." This statement was made to me as coming from Dr. Adams, by a clergyman residing many miles from Boston. I wish that the council, for my sake, could have listened to her story, if

she had only told it as she did in the presence of my church. To let the reader see how completely worthless her testimony was, independent of her inconsistencies and contradictions, I will state two facts: 1. The alleged impropriety took place, according to her written statement, (which was destroyed by the advice of Dr. Adams,) in August, 1849, and afterwards changed as to time till the latter part of August, 1850, or early in September, at which time I can prove that we were fifty miles apart. 2. I have the testimony of three credible witnesses that, since the twelfth of September, 1850, she has spoken to them of me in terms of high commendation. I will here give the testimony of one of them, as it now lies before me, in his own handwriting, and with his name appended.

"I hereby certify that, since the trial before the referees in the summer of 1851, Mrs. Hunting said to me that she believed Mr. Fairchild had been a greatly injured man, — that having been acquainted with him for several years, she never had seen any thing in his conduct unbecoming a gentleman. She said she thought Mr. Adams had pursued him with the most unrelenting persecution. She expressed her unbounded confidence in Mr. Fairchild's honesty and integrity. Late in the spring, or early in the summer of 1852, I had another interview with Mrs. Hunting. She then remarked, 'I have altered my opinion of Mr. Fairchild, which I suppose you will be surprised to hear, considering what I said to you about him in our last conversation; for I then thought that all creation could not have caused me to change my opinion; but I have since conversed with Dr. Adams, and am now convinced that Dr. Adams has been greatly injured, and that Mr. Fairchild is a bad man, and that all which has been said against him is true, and that he is now completely down.'"

This is but a small portion of the evidence in my possession of the little credit due to the story of Mrs. Hunting, by whom Dr. Adams sought to influence clergymen and laymen to commit themselves against me,

and coöperate with him in endeavors to accomplish my ruin.

16. Divine Providence has made it appear plain to all that what I have done was to *prevent* a threatened scandal, while Dr. Adams and his coadjutors have labored incessantly to *bring to light* a threatened scandal. I have endeavored to save the church and the ministry from reproach, even in that for which I have been the most censured, while they have pursued a course calculated to produce a directly contrary effect.

As my last inference, I was going to speak of the duty of those of my ministerial brethren who have not committed themselves irrevocably against me. But I forbear. To address them on such a topic, after all that I have said in the preceding pages, would be a reflection both on their understanding and their piety. To such I need say nothing, but simply refer them to the seventh chapter of Matthew and twelfth verse.

As for those members of the Association who have hitherto justified and sustained Dr. Adams, I have no hope of any favorable change in them. I expect that they will sustain him still. Hence their exclusion in my dedication. I will, however, venture to remind those gentlemen of a sentiment which one of the Association, — or at least one who signed the remonstrance against my installation, — advanced in a sermon a few years ago, as reported to me by a person who heard it. He says that the preacher took occasion in the course of his sermon to speak of the duty which Christians owed to a man who had been accused of crime, and honorably acquitted by an upright jury. He said that they ought to treat him not only as *well* as they did before, but even *better*, — that they ought, not only to restore him to their confidence, but sympathize with him on account

of his sufferings ; for having been found innocent of any crime, a grievous calamity had befallen him which he did not deserve. And even when a man has been proved guilty, and is afterwards pardoned by the governor, though they are not bound at once to restore him to their confidence, yet they must be careful to treat him kindly, and encourage him to regain his former standing. While the gentleman was listening to these just statements, he said to himself, " I wonder if the preacher ever thinks of the case of Mr. Fairchild ! " But alas ! how many professing Christians feel and act in such cases as did a certain Dutch judge when a man was brought before him, accused of crime, but who resolutely asserted his innocence, — " Why, if you are not guilty," says the judge, " how came you here ? "

I will close this chapter by referring the reader to a single sentence in Dr. Adams's letter to me, dated April 10, 1846, which he will find in the twelfth chapter. It is this, — " No man living knows you so thoroughly as I do." Some may infer from this expression that Dr. Adams had reasons unknown to others, for continuing to treat me as he has. What knowledge he possessed of my character or habits of an injurious nature, more than other clergymen with whom I associated, I know not. True, circumstances caused us to become somewhat more acquainted near the close of my ministry in Boston, in 1842, and I felt much attached to him. Therefore it was very proper, as well as natural, that I should go to him in my troubles for comfort and counsel. Why he penned that sentence, I never could conceive, unless he intended by it to intimidate me from ever doing any thing more to defend myself, fearing he would say something to my injury which I could not meet. But being conscious that *he* knew nothing more than others to my

hurt, I have gone fearlessly on, whenever attacked, to endeavor to bring the truth to light. And I presume no reader will *now* be charitable enough to think that after his attempts to persuade others to tell what they did *not* know, his sense of honor would be so nice as to prevent him from telling what he himself *did* know.

---

#### CHAPTER XXXIV.

I WOULD say, in conclusion, that no Christian clergyman or Christian layman can more sincerely regret than I do, the necessity which has called forth this publication. Nothing but an imperious sense of duty could have led me to take this step. Every candid reader will see with what patience I have endured the many injuries which my brethren had done me, and my persevering efforts to settle our difficulties on gospel principles. When Mr. Kirk attempted to set matters right in the Association, if "Dr. Adams had not put him all aback," and if the Association, even as late as last November, had passed the *first* without the *second* of their Resolves of March 7, 1855, this book would never have been written. In my communication of July 8, 1854, I assured the Association that if they would only authorize their scribe to write on the margin of the page containing their libellous record, the following sentence, "This vote was rescinded on this — day of — 1854," and certify the same to me, my request would be fully

complied with. I should have published it to the world, and there the matter, which has occasioned so much alienation and painful regret, would have been set at rest for ever. But when the Association let their November and January meetings pass by without complying with my request, either in form or substance, and especially after the instructions which they gave to their scribe, the Rev. Mr. Laurie, not to let me see the records, or even to answer me a civil question, I determined at once, that duty to my Master, my Church, my family, and my friends, forbid me to allow such iniquity, though practised in high places, to remain any longer concealed from the eye of the world. But when I read their *second* Resolve of March last, if I had before doubted as to my duty, all doubts would then have been dissipated. When they passed that Resolve they had reached the climax of wrong, and there was but one way left for me to meet and repel it, and that was to make a full statement of all the wrongs which I had received at their hands, and expressing my firm belief, and giving my reasons for it, that Dr. Adams has been the chief instigator of the whole. But I would here say, that if any of the gentlemen who have been the abettors of Dr. Adams, think that I have thrown too much of the responsibility on him, if they will notify me of that fact, and state precisely how much belongs to them, I will most cheerfully insert it in the second edition of my book, should one be called for, or communicate it to the public in some other form. I presume, however, they will not pretend that the responsibility is placed where it does not properly belong, since one of them who helped make the record, and is still a member, said to a clergyman of my acquaintance, who asked him why the Associa-

tion did not rescind their false vote, "We have thought it best to let Dr. Adams have pretty much his own way in that matter."

Perhaps *Dr. Beecher* is entitled to more of the responsibility in this affair than I have ascribed to him. I should not have thought so, had it not been for the following circumstance. It will be recollected that in 1853 a successful effort was made by the Congregational churches in New England and elsewhere, to raise, by contributions, fifty thousand dollars to aid Christians at the West in the erection of church edifices. My church, though feeble, determined to show their sympathy with the object, by casting their mite into the treasury in behalf of that enterprise. They accordingly contributed twelve dollars, which I took to Deacon Julius A. Palmer, who was appointed to receive the sums contributed in Massachusetts, and he credited the amount in his book as coming from the Payson Church by their pastor. When the "Congregational Year-Book" was published in 1854, containing an account of the contributions in Boston appended to the names of the respective churches, I found at the bottom of the list this record,—*"South, \$12."* On inquiry of Deacon Palmer, I learned that Dr. Beecher was chairman of the committee, and that the deacon had passed into his hands a correct list of the names of the churches which had contributed. I then wrote to the secretary at New York, and requested him to explain the matter. He replied that the list was published as he received it. Now if Dr. Beecher could descend to so *mean* an act for the sake of concealing from the Christian public a knowledge of the fact that any such church as the Payson Church existed in Boston, I cannot but think that he also seeks opportunities to injure me, by withholding all acknowl-

edgment of me or my church, *except when he is invited to become a member of an ex parte council to sit in judgment on our affairs!*

I offer no apology for the publication of this book. The reader will expect none,—he will require none. Unless I greatly mistake, the book itself, in almost every page of it, carries its own apology along with it. I have a strong conviction,—I almost know that every intelligent, unprejudiced, right-hearted man in the community will say that I have done right in this matter, and that not to have spoken under such long continued and unprovoked persecution and oppression, would have shown a want of self-respect unbecoming my character and profession,—yea, unbecoming any one who claims to be a freeman.

Look at the embarrassing circumstances in which I have been placed under the ban of a clerical association, omnipotent for evil, but wholly irresponsible, led on by Dr. Adams, who, as I have been repeatedly assured, was always ready to affirm, if I published any thing or made any verbal statement in my own defence which appeared rational and truthful,—“That is one of Fairchild’s lies.” And that declaration coming from such a source was, to many minds, “confirmation strong as Holy Writ.” They thought it needless to make any further inquiry; for I must be a great villain, and no mistake, or so good a man as they deem Dr. Adams to be, would not say so. The time was when I should probably have reasoned in the same manner. When he preached my installation sermon at Exeter in 1843, if any one had then told me that he was even capable of doing the things which he has since actually done, as they have been truthfully narrated in this volume, and predicted that I should live to see the day when it would all be acted out, I

should have been ready to pronounce it an utter impossibility. And when I discovered what he was and what he had done, I was as much confounded as were the whole community, at the discovery of the Schuyler iniquity, or any of those stupendous frauds developed about the same time. The exclamation came unbidden to my lips, "Lord, what is man?" His influence over others arises in part from his peculiar manner and tones of voice in making his statements. I am told that he usually expresses the kindest feelings towards me, — gives assurance that he is not my enemy, and wishes me no harm, and that it is very painful to him to take such a decided stand against me. At the same time he asserts, with all seeming honesty, that he acts on principle, — that he is conscience-bound, and has no object in view but the glory of God, the purity of the ministry, and the safety of the church. Thus by his blandishment and apparent truthfulness and sincerity, he has succeeded in deceiving many good clergymen and laymen, and in convincing them that I am truly what he called me ten years ago, — "hell incarnate." In this way he has caused many persons to feel and act very much as did the late Hon. William Jackson, of Newton, an extract from whose letter I have given on page 373. He told me that he had so much confidence in Dr. Adams and those pastors who acted with him, that he thought it useless for him to examine particularly into the matter. He concluded that they *must* be right. But when he came to investigate the subject for himself, he soon arrived at the result mentioned in the letter referred to, and which I wish the reader would be kind enough to reperuse.

In a conversation with a particular friend of Dr. Adams during the month of February, 1854, I stated

several reasons why my case ought to be viewed in a different light by Dr. Adams and those who sympathize with him. I spoke of the number and respectability of the persons who had given me their names and subscriptions to aid me in the erection of my church. His reply was, "They say that gentlemen subscribe to get rid of you." Now this is a statement which they who made it, did not themselves believe. The very statement proclaims its falsity. When I spoke of my honorable acquittal by the jury, he replied, "Dr. Adams says that one of the most intelligent of the jurymen (naming him) reports that your case was a doubtful one, and that you narrowly escaped conviction." Now I have been assured by three of our most respectable citizens, who were not able to attend the trial, but who had great confidence in the judgment of that jurymen, being in the same business and neighborhood with him, that when the trial was over they asked him his opinion of my case; and he assured them that he felt as a *citizen* what he had expressed as a *jurymen*, — that I was not guilty. With this assurance they were entirely satisfied, and remain so still, two of them having subscribed to aid me in my church enterprise. I then referred this friend of Dr. Adams to the opinion of Governor Washburn, who sat as judge in the case. He replied, "They say that Judge Washburn says you escaped by the skin of your teeth." I went directly to the council-chamber at the State House where the governor then was, — had a private interview with him, — told him what I had just heard, and asked him whether it was so. He replied, "I give you authority to say to anybody and everybody, that if I had been on that jury, the evidence was such as would have compelled me to give the verdict in your favor." Dr. Woods told me that the judge

said to him soon after my acquittal, that it was a righteous verdict.

And even at this day, I am credibly informed, that Dr. Adams still asserts privately to individuals, both clergymen and laymen, that the charges preferred against me he believes to be true, and is still using his influence to make me an object of suspicion and distrust among religious people both in Boston and out of it. And when good people learn how determined he is to make me infamous, they conclude that there must be some foundation for it in truth, and they are apt to repeat that very common saying, — “where there is so much smoke, there must be some fire.” There has indeed been a tremendous smoke, nearly ending in suffocation; but where can the reader find the fire, if not in an unbridled, slanderous tongue, and a vindictive, malignant heart?

I do not publish these “remarkable incidents” to the world for the purpose of injuring any of my brethren in the ministry. There is not one of them, — no, not even Dr. Adams himself, to whom I would not most readily extend forgiveness for all the wrongs he has done me, if he would only make that reparation which is required of him by that very gospel, obedience to which he inculcates so frequently and earnestly upon his people. But not one of them has ever yet given the least intimation, by word or deed, that he felt any regret for his unchristian and cruel treatment of me, just as though he deemed it undignified and degrading for a clergyman to confess his sins.

What then could I do but prepare a truthful narrative for the perusal of those who come after me, that they may see the real merits of a case which has excited so much interest, and learn the danger of acting hastily

in so grave a matter,—condemning a man on defective testimony, and obstinately persisting in a course of wrong doing, in spite of truth, and conscience, and the Word of God. I wish to leave a record behind of what has been done in this affair, as permanent as that of the Suffolk South Association. Neither do I wish my friends to be under the necessity of entering into an argument for my defence with every stranger who may question them. I would save them the trouble by recording in a book the facts in the case, where every inquirer will find the truth, and be enabled to come to a correct decision. And I would here say to all my fellow-citizens, of every sect in religion and party in politics, who may wish to know what I have done and what has been done to me, that in preparing this book, I am not aware of any concealment, or exaggeration, or false coloring in any form or degree to deceive the reader, or to make a wrong impression on his mind to my own advantage, or to the disadvantage of any person involved in the disclosures which I have made. And should any one think that I have not stated his case fairly, or that I have wronged him by saying that which is not true, let him inform me wherein, and give me the proof, and I will most cheerfully, and with all due haste, make the required correction. But I presume that no reader's mind is so obtuse as not to perceive that the evidence of the truth of my statements is furnished as I go along.

To my younger brethren in the ministry and to those who may hereafter enter it, and to Congregational clergymen generally, I would suggest that they may find in this volume some important information on the ecclesiastical polity of Massachusetts, and on the nature of New England Congregationalism. Had I been as well

informed on these points twelve years ago as I am now, it would have been of invaluable service to me; and had my ministerial brethren, whose doings are described in this book, been better acquainted with these matters than it seems they were, they would probably never have placed themselves in their present unenviable position. So much light has been shed on these topics as will, I hope, reward clergymen for their labor in examining what I here recommend to their particular attention.

I have one word to say with regard to pulpit exchanges. My general rule is to make no proposal for an exchange, unless I have reason to believe that it will be mutually agreeable. True, I have in a few instances, at the urgent request of some of the leading and most influential members of a pastor's church and parish, solicited an exchange. But hereafter such invitations must come from the other party. Then no embarrassment will be felt, and no pain given.

Perhaps I cannot close more appropriately than by quoting the following lines from *Joanna Baillie*.

Think'st thou there are no serpents in the world  
But those that slide along the grassy soil,  
And sting the luckless foot that presses them?  
There are who, in the path of social life,  
Do bask their spotted skins in fortune's smile,  
And sting the soul.



## APPENDIX.

---

### A.

THE following paragraphs in my circular addressed to the Association in May, 1849, were accidentally omitted. They should be read in immediate connection with the paragraph at the bottom of page 176.

“As a minister of the gospel, as a Christian, as a man even, I had a right to appeal to the laws of my country for protection. I submitted my case to the closest legal scrutiny. My examination was full and impartial. My acquittal was unanimous and complete. What more *could* I have done.

“I have waited patiently for popular prejudices to cool, and the tongue and the pen of slander to become silent. I have done this, though perfectly aware all the while, that a very numerous and respectable portion of my ministerial brethren believed me innocent, and were treating me accordingly; forty-six of whom having signed a paper certifying to my regular standing in the Christian ministry. I now think that I have waited long enough.

“It has been my hope, brethren, that you would do me justice, unsolicited by me, and wipe off the stain which was so unjustly put upon my name, on your records, and, perhaps, upon my character, in your hearts; and that you would extend to me the hand of courtesy and the comforts of Christian sympathy. But as you have not done this of your own accord, I now ask,

as my just right, that the said vote be rescinded; and for the reason that the causes of my separation from the Association, as set forth in your records of January 7, 1845, are false and libellous. And I further ask, that you will notify me *officially* that the vote has been thus rescinded; for as it now stands, I am told, by a competent judge of the law, that it is a perpetual libel, reaffirmed by the admission of every new member into your body, and especially will this libel be renewed by a vote not to rescind it.

“I shall not cease to claim this as a right, due from man to man, — from Christian to Christian, — from minister to minister. I claim it in the name of Him whose servants we are, and in whose mercy we hope. I claim its rescission, as having no more legal or moral right to remain on your records, than would a similar vote respecting any member of the Association. I claim it on the ground of that universally received maxim, both of law and gospel, that every man is to be presumed innocent until guilt is proved. As just men, and as Christians, I confide in you that you will do what is so plainly reasonable and proper, and what every one of you would insist on having done were my case your own. I am not now asking of you a *favor*, but a *right*. Not one of you could be persuaded to publish over his own signature, that the charges in that vote are true. I beg you, then, not to do *collectively* what you would not do *individually*. Do not, I pray you, suspend, in my case, the action of our Master’s golden rule.”

## B.

The following is a list of the names of those individuals who have kindly contributed five dollars or upwards to aid me in the erection of a church edifice. The name of no subscriber is inserted except written by himself or by his authority. Many have expressed their kind feelings by giving me smaller sums, but who refused to subscribe.

Cyrus Alger,  
Isaac Adams,  
Alvin Adams,  
Seth Adams,  
William D. Adams,  
Simeon P. Adams,  
James B. Aiken,  
William C. Abbot,  
William Adams,  
John S. Adams,  
William T. Andrews,  
Andrew Atkinson,  
B. S. Allen,  
Nathan Allen,  
Charles Amory,  
James S. Amory,  
William Amory,  
Nathan Appleton,  
Samuel Appleton,  
William Appleton,  
Samuel A. Appleton,  
Joseph Andrews,  
J. L. C. Amee,  
Daniel Ayer,  
Stephen G. Allen,  
John Armstrong,

Holmes Ammidown,  
Samuel Aspinwall,  
Lewis Allen,  
Seth Adams, jr.,  
W. M. Andrews,  
James Ayer,  
R. S. S. Andros,  
Thomas G. Appleton.

## B.

Charles C. Barry,  
Charles Barnard,  
David Barnard,  
William C. Barstow,  
Homer Bartlett,  
C. L. Bartlett,  
Elizur Baldwin,  
Thomas Bagnall,  
Daniel C. Baker,  
Edmund Baylies,  
John M. Barnard,  
Thomas H. Bazin,  
Charles F. Battles,  
John W. Barrett,  
Henry Barrett,

Frank Battel,  
Gorham Brooks,  
A. S. Brooks,  
Levi Brigham,  
Nahum Brigham,  
John Brigham,  
William P. Brigham,  
J. L. Baker,  
Joseph Brownell,  
Nathaniel Bryant,  
Walter Bryant,  
Nathaniel H. Bryant,  
E. H. Brainard,  
Benjamin Burgess,  
Josiah Bradlee,  
John H. Bowker,  
Isaac O. Barnes,  
Samuel Barrett,  
Richard Bond,  
Timothy D. Bond,  
Joseph C. Bond,  
Nathaniel J. Bowditch,  
Jonathan J. Bowditch,  
Edward Blake,  
D. A. Bokee,  
Laban S. Beecher,  
Joseph J. Bigelow,  
John Bertram,  
E. Baker,  
Charles S. Burgess,  
John T. Burnham,  
William Burke,  
Richard Borden,  
Joseph L. Bennett,  
George B. Blake,  
George W. Bond,  
William Blake,

Daniel G. Bradford,  
William G. Billings,  
Joseph M. Bell,  
L. V. Bell,  
C. F. Bagley,  
J. A. Blanchard,  
Charles Brewer,  
William Burrage,  
William A. Burke,  
James Boyd,  
Vernon Brown,  
Benjamin Blaney,  
George Bliss,  
Ebenezer Burgess,  
Horace S. Bradley,  
J. Bourne,  
Martin S. Brockway,  
John A. Buttrick,  
Lewis Bullard,  
Joseph Brownell,  
J. Q. A. Bean,  
P. B. Brigham,  
John Brown,  
Enos Briggs,  
James B. Blake,  
Anson Burlingame,  
L. F. Brigham,  
Levi Bartlett,  
Daniel D. Broadhead,  
Artemas Briggs,  
Albert A. Bent,  
Franklin Brickett,  
Andrews Breed,  
Thomas Blanchard,  
David Babson,  
Edward Babson,  
James Blood,

Miss Julia Bullock,  
Preston Bennett,  
Thomas Burgess,  
John Carter Brown,  
T. M. Ball.

## C.

B. R. Curtis,  
John H. Clifford,  
Thomas B. Curtis,  
Joseph W. Clark,  
Thomas Caines,  
Ebenezer Chadwick,  
Andrew Carney,  
Lemuel Cushing,  
Caleb Cushing,  
George W. Collamore,  
Calvin W. Clark,  
Frederick Crafts,  
Thomas Cordis,  
Moses Clark,  
Abner Curtis,  
Thomas W. Cowdin,  
George Callender,  
William Carr,  
Jonas Chickering,  
Morrell Cole,  
George Choate,  
William Crosby,  
S. Q. Cochran,  
Joel Canfield,  
C. G. Coffin,  
Otis Clapp,  
Horatio N. Crane,  
George W. Chipman,  
Andrew L. Chamberlain,

Elihu Cutler,  
George Cobb,  
B. Cushing,  
Joseph S. Cabot,  
J. V. Cole,  
H. Colburn,  
Otis Churchill,  
William M. Cornell,  
Winthrop W. Chenery,  
Oliver R. Clark,  
Joseph Cotton,  
William E. Coffin,  
William Crook,  
Daniel W. Child,  
Charles Copeland,  
Daniel F. Child,  
L. B. Church,  
H. W. Church,  
John W. Crafts,  
A. Clark,  
Charles P. Chamberlin,  
Samuel L. Crocker,  
William B. Crocker,  
James H. Carlton,  
Samuel Chase,  
Beniah Colburn,  
John N. Cushing,  
Josiah Caldwell,  
S. Clapp,  
William J. Cross,  
Henry Crafts,  
John Cowdin,  
Robert Cowdin,  
William Cushing,  
Frederic Cunningham,  
Joseph Coolidge.

## D.

Charles W. Dabney,  
John J. Dixwell,  
Daniel Denny,  
John L. Dimmock,  
Peter R. Dalton,  
Tisdale Drake,  
William Davis,  
Samuel Dana,  
William Dale,  
Edward Dexter,  
John Dutton,  
James Davis,  
William Dehon,  
John Dupee,  
Nathan Durfee,  
J. Amory Davis,  
E. H. Derby,  
James Davis, jr.,  
Samuel C. Demerest,  
G. M. Dexter,  
William Dwight,  
Elbridge G. Dudley,  
William T. Davis,  
Oliver Dickson,  
Luther Dana,  
J. Dean,  
C. K. Dillaway,  
Joseph Drew,  
E. S. Dilloway,  
John De'Huff,  
Peter Dunbar,  
W. R. Davenport,  
Daniel Deshon,  
J. M. Doe,  
John Demerit,

S. C. Delano,  
Ebenezer Dyer,  
Charles Dupee,  
Allen W. Dodge,  
R. S. Daniels,  
Moses Davenport,  
Thomas Davis,  
Perry Davis,  
Timothy Davis.

## E.

Edward Everett,  
Joseph Eveleth,  
Oliver Eldridge,  
Isaac Emery,  
Abner Ellis,  
Thomas Emerson,  
Jonathan Ellis,  
Nathaniel H. Emmons,  
Matthew Ellis,  
Timothy Eaton,  
J. H. Eastburn,  
Jabez Ellis,  
Charles Emerson,  
John L. Emmons,  
Ephraim Emmerton,  
Ezra Eames.

## F.

William H. Foster,  
John Foster,  
Oliver Frost,  
Daniel Farrar,  
A. H. Fiske,  
Luther Felton,

H. M. Fuller,  
 Richard Frothingham,  
 Charles Forster,  
 Stephen P. Fuller,  
 William Fiske,  
 Joseph E. Fisk,  
 G. L. Fall,  
 Henry A. Fuller,  
 Milo Furbush,  
 John A. French,  
 Hersey Freeman,  
 Milton Fuller,  
 Thomas P. Foster,  
 Benjamin F. Field,  
 F. L. Fish,  
 Alexander Fullerton,  
 Jesse Fogg,  
 Moses H. Freeman,  
 J. D. Farnsworth,  
 Samuel Farrar,  
 S. Fifield,  
 Jonas Fitch,  
 C. C. Felton.

## G.

Moses Grant,  
 John Gove,  
 Charles G. Greene,  
 Henry Grew,  
 Samuel Guild,  
 James Guild,  
 Frederick Guild,  
 Aaron Guild,  
 James W. Gates,  
 William Guttererson,  
 Milton Gale,

Thomas Groom,  
 E. M. Gardner,  
 Mrs. E. G. Gardner,  
 William T. Glidden,  
 D. N. Greene,  
 Alexander Gibbs,  
 W. L. B. Gibbs,  
 Lemuel Gilbert,  
 Joseph Grinnell,  
 Thomas Greenleaf,  
 John Green,  
 Mrs. Susan Guild,  
 J. Garland,  
 S. P. Gilbert,  
 Patrick Grant,  
 B. D. Greene,  
 B. A. Gould.

## H.

Elisha Huntington,  
 John T. Heard,  
 Samuel Henshaw,  
 E. Harrington,  
 George Howland,  
 Henry N. Hooper,  
 William H. Hooper,  
 Leopold Herman,  
 Noah Harrod,  
 D. D. Hart,  
 Amos Howard,  
 William H. Howard,  
 Charles D. Head,  
 William T. Hart,  
 William H. Hill,  
 William Hammond,  
 James Henley,

Isaac Harris,  
 Holmes Hinckley,  
 Thomas Hathaway,  
 Samuel Hall,  
 Dudley Hall,  
 Lewis Hall,  
 Peter C. Hall,  
 F. A. Hall,  
 Samuel W. Hall,  
 Willis Howes,  
 Samuel Hill,  
 F. Houghton,  
 Thomas Howe,  
 James L. Hodge,  
 S. C. Hewitt,  
 George Hyde,  
 Joseph Hodges,  
 A. D. Hodges,  
 John P. Healy,  
 Moses Hadley,  
 George Hews,  
 John L. Hunnewell,  
 David Hamblen,  
 Freeman Hunt,  
 William Headwin,  
 Enoch Hunt,  
 Charles E. Hall,  
 George Hitchings,  
 John Hodges,  
 Edward H. Howland,  
 P. Hubbell,  
 H. Howard,  
 Charles J. Hendee,  
 A. Hollingsworth,  
 William P. Houston,  
 B. K. Hough,  
 B. K. Hough, jr.,

R. B. Hall,  
 Oliver Holman,  
 Henry Hill,  
 William W. Hoppin,  
 Thomas F. Hoppin,  
 Charles Holden,  
 D. M. Hale,  
 Samuel Hooper,  
 Henry K. Horton,  
 R. M. Hodges.

## I.

Moses B. Ives,  
 Robert H. Ives.

## J.

P. T. Jackson,  
 George B. Jones,  
 Z. Jellison,  
 Eliphalet Jones,  
 Chester Judson,  
 Henry B. Janes,  
 C. B. Johnson,  
 Edward C. Jones,  
 Josiah M. Jones,  
 Henry Jenkins,  
 William Johnston,  
 R. M. Joy,  
 Joseph S. Jones,  
 Benjamin Judkins,  
 John Jewett,  
 Elisha Jacobs,  
 George W. Jackman,  
 Moses B. Jenkins,  
 George Johnson,

John P. Jewett,  
Edward J. Jones,  
Allen M. Jones.

## K.

Moses Kimball,  
John Kittell,  
Abel Kendall,  
Sewall Kendall,  
Timothy Kendall,  
Mrs. Mary F. Kendall,  
John R. Kimball,  
George Kingman,  
Abner Kittredge,  
Lewis Kenney,  
W. W. Keith,  
Samuel Kidder,  
John B. Kittell,  
D. D. Kelley,  
S. B. King,  
D. P. King,  
John A. Knowles,  
Robert Kemp,  
Aaron Kimball,  
J. B. Kimball,  
George H. Kuhn,  
George W. Keene,  
Ezra T. Kidder,  
G. W. Kelley,  
Amos King,  
Henry Kingman.

## L.

Thomas Lamb,  
S. K. Lothrop,

Abbott Lawrence,  
Levi Lincoln,  
Israel Lombard,  
Otis P. Lord,  
Thomas J. Lobdell,  
G. H. Lodge,  
John E. Lodge,  
Albert W. Ladd,  
Moses B. Lakeman,  
Thomas Lee,  
Henry Lee,  
William K. Lewis,  
C. F. Lougee,  
Josiah G. Lovell,  
Miss Abigail M. Loring,  
Harrison Loring,  
William Lee,  
Gilman S. Low,  
Samuel Leeds,  
Joseph Leeds,  
Benjamin Leeds,  
Edward Lawrence,  
Reuben Lovejoy,  
Robert L. Lane,  
Samuel W. Lane,  
Ambrose Lovis,  
Gad Leavitt,  
William Livingston,  
Warren Ludwig,  
William Lowry,  
Thomas Liversidge,  
Noah Lincoln,  
Ariel Low,  
John M. Loud,  
N. J. Lord,  
Samuel S. Lewis,  
Joseph Lynde,

Isaac Livermore,  
George Lee,  
Micajah Lunt,  
Noah Litchfield,  
Henry W. Longfellow.

T. Mandel,  
Lovett Morse,  
Charles McIntire.

## N.

## M.

Sidney B. Morse,  
Charles H. Mills,  
Sewall G. Mack,  
Donald McKay,  
H. Meredith,  
Levi B. Merriam,  
Frederick P. Moseley,  
Nathaniel G. Manson,  
John Mansfield,  
William B. May,  
Charles Merriam,  
Charles W. Morgan,  
B. D. Moody,  
Lewis F. Merrill,  
John B. Meads,  
Joseph Manning,  
Robert Marsh,  
H. Mellus,  
Peter Mackie,  
Perry G. Macomber,  
J. K. Miles,  
S. F. Morse,  
G. Miller,  
Stephen W. Marston,  
Samuel Merry,  
Francis Milliken,  
Earl P. Mason,  
William H. Manning,

Samuel Nicolson,  
Frederick Nickerson,  
Joseph Nickerson,  
Jonathan Nickerson,  
Sereno D. Nickerson,  
James M. Newell,  
Lyman Nichols,  
Joseph Noble,  
John Nesmith,  
Thomas Nesmith,  
Henry Newman,  
D. B. Newhall,  
Albert H. Nelson,  
Samuel Neal,  
N. C. Nash,  
N. D. Northend,  
Otis Norcross,  
Asa R. Nye,  
Henry Newhall,  
James K. Nichols.

## O.

Marcus Ormsbee,  
H. D. Oliphant,  
Stephen Oliver,  
Misses Osgood,  
E. Oakes,  
J. Oakes,  
John P. Ober.

## P.

William C. Plunkett,  
John Pierpont,  
J. W. Paige,  
Lyman Perry,  
Moses Pond,  
M. D. Phillips,  
James M. Parker,  
James Perkins,  
Thomas H. Perkins,  
H. O. Prescott,  
Joseph W. Plimpton,  
George A. Phillips,  
O. Pickering,  
William H. Prentice,  
Isaac Parker,  
Oliver Pelton,  
Henry Plympton,  
Joseph C. Pray,  
Jonathan Preston,  
Samuel S. Perkins,  
Seth Presbrey,  
George W. Porter,  
George Peabody,  
William D. Pickman,  
Charles E. Paige,  
Henry L. Pierce,  
H. D. Parker,  
John Proctor,  
William Pope,  
J. D. Prince,  
W. G. E. Pope,  
Benjamin Parker,  
George H. Peters,  
N. C. Poor,  
Ebenezer Parker,

Sanford B. Perry,  
F. Peabody,  
William Pickman,  
Stephen H. Phillips,  
J. W. Peele,  
Thomas H. Prime,  
Joseph Pratt,  
Rufus A. Putnam,  
Daniel Putnam,  
Enoch Patterson,  
Samuel H. L. Pierce,  
Henry Poor,  
Eben S. Poor,  
Moses Putnam,  
Thorndike Proctor,  
A. P. Phillips,  
Mrs. Mary Pitcher,  
Ellis B. Pitcher,  
John Pew,  
Jacob Pierce,  
Mrs. William Pratt,  
Charles H. Parker,  
Joel Parker.

## R.

Benjamin T. Reed,  
Sampson Reed,  
Caleb Reed,  
Samuel G. Reed,  
James Read,  
Thomas Richardson,  
Thomas Richardson,  
Thomas Richardson,  
Jeffrey Richardson,  
T. P. Richardson,  
William Richardson,

George Richardson,  
John Rayner,  
William J. Rotch,  
J. P. Robinson,  
S. Robinson,  
Edward A. Raymond,  
F. F. Raymond,  
Curtis B. Raymond,  
William R. Rodman,  
Trueworthy Rowell,  
Thomas Restieaux,  
Richard Rogers,  
George Rankin,  
Henry Rich,  
Otis Rich,  
Manly A. Rowell,  
Lewis Rice,  
Henry A. Rice,  
Edward C. Rice,  
G. W. Rice,  
Robert H. Remington,  
W. D. Richards,  
Shepard Robbins,  
John Ritchie,  
Stephen B. Robbins,  
John G. Roberts,  
D. B. Rising,  
Reuben Richards,  
N. Russell,  
A. L. Russell,  
Daniel Richardson,  
C. Robinson,  
J. D. Richards,  
T. R. Raymond.

## S.

Benjamin Seaver,  
J. V. C. Smith,  
David Sears,  
Robert G. Shaw,  
James Savage,  
Samuel W. Swett,  
George Stevens,  
Samuel Sanford,  
Philo Sanford,  
Samuel R. Spinney,  
Stephen S. Seavy,  
Jacob Sleeper,  
W. H. Spooner,  
Charles Sampson,  
M. H. Simpson,  
Jacob Stanwood,  
Z. Southard,  
Frederick H. Stimpson,  
George W. Simmons,  
John Souther,  
Noah Sturtevant,  
John Spence,  
Thomas C. Stoddard,  
Lucian Skinner,  
D. Swan,  
William D. Swan,  
Alexander H. Seabury,  
Joseph Stone,  
Joseph W. Stone,  
James M. Shute,  
John B. Silsbee,  
B. H. Silsbee,  
William Silver,  
Edward Smith,  
Elisha Smith,

Nathan H. Streeter,  
 Samuel Shaw,  
 Paran Stevens,  
 Thomas Savery,  
 Matthew Starbuck,  
 William Starbuck,  
 George Starbuck,  
 E. A. Swift,  
 William H. Spear,  
 Stephen Smith,  
 James R. Sproat,  
 Joshua Seward,  
 George L. Stearns,  
 Royal Southwick,  
 William H. Sanford,  
 Charles B. Shaw,  
 T. A. Simmons,  
 Richard Smith,  
 John Smith,  
 Nathaniel Stevens,  
 A. D. Smith,  
 D. Y. Smith,  
 Mrs. H. N. Slater,  
 Isaac P. Smith,  
 J. W. Sanford,  
 L. M. Standish,  
 G. H. Shaw,  
 Jared Sparks.

## T.

Adam W. Thaxter,  
 Newell A. Thompson,  
 Abijah Thompson,  
 John S. Tyler,  
 E. P. Tileston,  
 John P. Tarbell,

Samuel T. Tisdale,  
 Otis Tufts,  
 William S. Thacher,  
 Horace B. Taylor,  
 George Thompson,  
 Daniel Tracy,  
 John W. Trull,  
 Ezra Trull,  
 James D. Thompson,  
 John Tyler,  
 James Tucker,  
 Amos P. Tapley,  
 David Taylor,  
 J. B. Tobey,  
 Charles R. Tucker,  
 Henry Tabor,  
 Cahill Tolman,  
 Lyman Tucker,  
 Stephen Tilton,  
 Walter H. Tilden,  
 Edwin Tilden,  
 J. C. Treadwell,  
 Augustus Tyler,  
 Joshua Tucker,  
 David Thain,  
 Seth Thaxter,  
 Joseph Twitchell,  
 George W. Torrey,  
 John Templeton,  
 J. S. Thornton,  
 William M. Thayer.

## U.

George B. Upton,  
 James Upton,  
 George Upton.

## V.

Josiah Vose,  
E. A. Vose,  
James Vila,  
Hammond W. Vinal,  
T. J. Vinton,  
Nathan Viles,  
William Varnum,  
William Viall.

## W.

Robert C. Winthrop,  
Charles H. Warren,  
Charles Levi Woodbury,  
Fletcher Webster,  
Samuel D. Ward,  
Joseph Whitney,  
Thomas B. Wales,  
Thomas B. Wales, jr.,  
E. P. Walton,  
E. P. Whitman,  
Seth Wilmarth,  
Ebenezer Weeman,  
Increase S. Withington,  
Luther Wright,  
J. B. Winn,  
H. Willis,  
Isaac D. White,  
H. B. Wetherell,  
James F. Whitmore,  
Francis A. Willard,  
Samuel Waldron,  
Sidney Williams,  
Charles O. Whitmore,  
William Whiting,

R. S. Wade,  
W. F. Weld,  
William Washburn,  
William Wyman,  
Moses Warren,  
J. S. Wetherbee,  
D. White,  
Ichabod Washburn,  
Benjamin F. Williams,  
Abiather R. Williams,  
Martin L. Witcher,  
Hapgood Wright,  
Charles Woodbury,  
John Wright,  
J. C. Whitehouse,  
Edward D. White,  
J. Wooldridge,  
Daniel Wilbur,  
H. Wheatland,  
Charles T. Woodman,  
James S. Wigin,  
James J. Whitney,  
Mrs. Lydia L. Walker,  
Charles Wills,  
Alfred Wright,  
B. F. White,  
Francis White,  
S. Whitwell,  
J. H. Wolcott,  
James Walker.

## Y.

J. H. York,  
J. S. Young,  
George Young,  
R. M. Yale,  
Burrage Yale.

The following names were omitted in the first edition : —

Joseph Andrews,  
William C. Bond,  
Horatio A. Bliss,  
Stephen H. Cutter,  
Nathaniel Cooledge,  
Josiah Curtis,  
Seth K. Crowell,  
A. W. Crowninshield,  
Martin L. Hall,  
Mrs. C. E. Norton,

H. Parker,  
Increase Robinson,  
Joseph Smith,  
Benjamin Shurtleff,  
James Tirrell,  
G. Twichell,  
Mrs. Waterhouse,  
Samuel S. Whitney,  
Franklin B. White.

The success which has hitherto attended my application for aid in this enterprise, has been very gratifying to my feelings. It was not to be expected that all whose contributions I might solicit, would respond to my call. But those who could not conveniently contribute, have, with very few exceptions, had a kind and encouraging word for me, expressive of their sympathy and good-will. I have reason to believe that hundreds of these subscribers gave me their names because they wished thereby to bear their testimony against persecution. Indeed, some of them put down their names for this very purpose, and it was so avowed by them at the time, and who would not have subscribed under other circumstances. Not that all these subscribers meant to indorse my character; for not all of them had examined into the merits of my case with sufficient care to justify such an act. But many of them had examined it critically. This is especially true of Judge Curtis, and Judge Warren, and Governor Clifford, who doubtless meant by their names and subscriptions, to express their confidence in me as a clergyman worthy to be sustained by the Christian community.

When I opened my subscription book, it was quite problematical whether I should succeed, and I so stated the case to gentlemen at the time. And therefore I requested them to subscribe and pay only on condition of my being successful. But several of them paid their subscription at the time, and told me not to return it, if I did not succeed, but devote it to my own use; at the same time intimating that if I was likely to be successful they would add to their subscription if necessary. I have obtained and paid for a very eligible site,—the building is begun,—the steps were laid and the first floor put on last fall; and I have raised money sufficient to meet all the expenses so far, up to the first of April. From last November till April, I made scarcely a single effort to add to my list of subscribers in consequence of the stagnation of business and the scarcity of money. As building materials and labor are much more expensive than when I began the undertaking, it will cost a good deal more than was then anticipated. If any individuals who may read my book, are satisfied that I am deserving

of their sympathy and assistance, I can assure them that any sum, however small, will be thankfully received. There are many ladies of wealth and generosity, both married and unmarried, who are always ready to contribute in aid of every worthy object; and should any of them feel inclined to put my enterprise on their list of deserving objects and remember me in the distribution of their charities, they will confer a favor for which I shall be truly grateful. I shall continue to make personal application; but there may be those who are disposed to contribute, to whom I cannot gain access. If such will send their donation by mail or otherwise, I will forthwith acknowledge its receipt. Or if any should desire a personal interview with me, please appoint the time and the place, and I should be happy to call. I shall devote all the profits of my book to this one object; and possibly this consideration may be an inducement to some to purchase it, and to aid in its circulation. It would afford me much pleasure to present a copy to each of my subscribers; but poverty forbids,—poverty brought upon me, as every reader will see, by my laudable efforts to obtain my individual rights, and in defence of that priceless jewel,—*a good name*. I do not ask the public to make up my losses. True, all my earthly substance has been unjustly taken from me. Well, let it go. All I want of this world is the means of completing my church, where I may have an opportunity to preach the precious gospel to those of my fellow-citizens and fellow-sinners, who may wish to hear me during the few years at farthest that I can expect to be spared for such a pleasing and useful service. And as many subscribers have asked me how *I* am to be benefited, I will state the conditions on which I have undertaken to erect that edifice. So long as I am able to preach in it, I am to receive all the income from the house unless it should exceed twelve hundred dollars; the excess, should there be any, will be appropriated to pay the current expenses of the society. If I cease to serve the people as their pastor through incapacity or old age, I am to have a legal claim on the house as security for the payment to me quarterly of a certain percentage on the

value of the property which my friends have enabled me to invest therein, during my life, and one half the same amount to my widow, should I leave one, during her life. And at our decease it becomes the property of my parish in fee-simple. This is all the provision for my worldly comfort which I need.

I should be pleased, if I were able, to send a copy of my book to all the clergymen in the Commonwealth. Perhaps there may be some one layman in most of our parishes who will purchase it; if so, may I not request him, for my sake, to loan it to his pastor?

If I can complete the house outside and finish the vestry, so that we can meet there for worship before winter, I shall be satisfied. The upper part can be finished as we are able to obtain the means. I have subscriptions to the amount of over seven thousand dollars, most of which has been paid. I think that nine or ten thousand dollars more will complete it without contracting any permanent debt. My parishioners will do all they can. I hope before the house is dedicated there will be no mortgage upon it,—that incubus which is so fatal to the prosperity of many of our churches. This evil I shall avoid if possible, which I can do only as my friends who sympathize with me in my *trials*, if not in my *sentiments*, will furnish me with the requisite funds. To such I make my appeal. And for what you have already done, or may hereafter do, I can make no other return but the unfeigned thanks of a grateful heart.

## NOTICES OF THE PRESS.

---

*"The Press is the living Jury of the Nation."*

---

REMARKABLE INCIDENTS IN THE LIFE OF REV. J. H. FAIRCHILD, PASTOR OF PAYSON CHURCH, SOUTH BOSTON. — We are indebted to the author for a copy of this volume, which in its short compass of four hundred and fifty pages, reveals more of personal persecution, malignant, envenomed warfare, and unyielding hate towards a minister of the gospel than any one would believe possible in New England in the nineteenth century. Whatever may have been Mr. Fairchild's original error, grave or light, real or imaginary, no one can read the story of his wrongs and not say that the malice, enmity, and persecutions with which he has been beset by his ecclesiastical brethren, have been more than can be justified under any pretence short of downright insanity. How men can preach from their pulpits the doctrines taught by our Saviour in his Sermon on the Mount, and so belie its precepts by their actions, passes our understanding. We almost regret the publication of a book that exposes so fearful a revelation of ecclesiastical depravity and unchristian conduct, for we do not wish to think so badly of our fellow men as this volume compels us to do. — *The Atlas*.

This is a closely printed duodecimo volume of 450 pages. Some of the incidents which it narrates have been before the public for several years, — have been the subjects of newspaper commentary, and have, no doubt, enabled most of those who have read them to form a favorable opinion of the author, and to sympathize with him in his sufferings under a persecution more malignant and cruel than could ever be inflicted, *in this nation*, by any other institution than an ecclesiastical council. The book is a connected and elaborate history of the troubles in which Mr. Fairchild has been involved for a number of years, — beginning with two or three members of his church at South Boston, and accumulating to a mass sufficient to crush almost any mortal man, under the management of two or three councils and the Suffolk South Association.

The book will be interesting to a large number of readers as illustrative of the despotism of self-constituted tribunals, and a record of the miseries which arrogant pharisaism can inflict on its victim. The facts

(351)

which are stated we presume may be received as authentic ; for most of them are sustained by official documents or other unquestionable papers. — *Boston Courier*.

The history of Mr. Fairchild is a peculiar and painful one. He, of all men we have known within a few years past, can say in the bitterness of his affliction, "I was wounded in the house of my friends."

The particulars of the arrest and trial of Mr. Fairchild, some years since, on a charge seriously involving his moral character, and utterly destructive of his usefulness as a minister of the gospel, must be familiar to most readers. Mr. Fairchild had a fair and impartial trial. Eminent counsel were employed on both sides, and, after the most thorough investigation, he was acquitted. The public acquiesced in the decision of the tribunal. He had been weighed in the balance and was not found wanting. An honest court and jury had said so ; and notwithstanding the almost unbearable load of prejudice which was arrayed against him, enough to crush a strong man to the earth, he calmly and patiently withstood it. Surely nothing but conscious innocence and a trust in the living God could have sustained that man through those months of affliction.

We have said that the public, notwithstanding their prejudices, acquiesced in the decision of the court. They did more. Mr. Fairchild since that period, by a blameless life and conversation, has won a place in the esteem and regards of his fellow-citizens, which the adverse action of all the ecclesiastical councils that ever convened in New England, cannot shake.

It is amazing that ministers of a gospel which teaches love and goodwill to man should manifest such an implacable spirit as has been manifested in Mr. Fairchild's case. And we doubt not that the reader of the book under notice will share our astonishment at the meanness, the tergiversation, the deception, the — the — yes, we will say it — the lying of some ministerial brethren in Mr. Fairchild's case.

In the volume before us, Mr. F. has given a full history of the facts relating to this period of his life. All the proceedings in councils are here given with a faithfulness and minuteness that leaves nothing to be desired. He seems to have kept nothing back. All the documentary evidence that exists is given here, and the reader has before him, in a volume of 450 pages, a complete history of this unhappy affair. We say, then, according to this evidence it is some of his ministerial brethren, and not Mr. Fairchild, who are on trial. We commend the book to public attention as presenting a curious chapter in the history of some of our churches. — *Boston Herald*.

This is a volume of nearly 500 pages, and gives a complete and truthful account of the eventful life of the author — his persecutions and trials in high places and low — his struggles, sufferings, and other matters of inter-

est. It is dedicated "To all who love the exhibition of plain truth and the exposure of artful duplicity." We presume the public generally will desire to get the volume, for it concerns events and men which occupied a prominent place in the community. The famous doings of the Suffolk South Association are especially treated, and its iniquity exposed. It seems to us that Mr. Fairchild entirely refutes the base charges brought against him, and that in the minds of the community he must stand before them an innocent, as he has been a most abused, man. — *The Daily Bee*.

This is an autobiography of Rev. Mr. Fairchild, giving a detailed account of his troubles. It is very minute, and those who are interested in the author will value the work. The whole history of the charges brought against him, with the action of the council, his trial, acquittal, etc., etc., are given, including letters from friends and foes. So far as we have examined it, it breathes a very good spirit. The work will have a good sale, and must excite considerable attention in certain quarters, as Mr. F. has not hesitated to give names and dates. — *Evening Telegraph*.

Strong in his consciousness of innocence, Mr. Fairchild challenged the most rigid investigation of his conduct, and was ready to stand or fall by the result of that investigation. He came out of the fiery furnace into which his enemies had cast him unscathed, and without the least evidence having been found that would injure him in the opinion of any fair-minded man. Yet the prejudice against him, in certain quarters, has not been abated. A singular proof of the queer workings of this rancorous spirit is afforded in chapter 31 of this volume. At a meeting of the Suffolk South Association, held on the 7th of March, 1855, it was resolved, "That all votes upon our records in regard to Mr. Joy H. Fairchild's character and exclusion from this body be, and the same hereby are, rescinded." So far, so good; but the next resolve is as follows: "That in view of all the history of his case, in the opinion of this body, it is nevertheless inexpedient that his connection with this Association should be continued, and the same is hereby terminated." That is to say, the Association officially and solemnly declare that they believe Mr. Fairchild to be an innocent man, but that, "nevertheless," they will treat him as if his guilt of the infamous charges preferred against him had been established beyond all question! Could any thing more absurd and illogical be imagined than this action of a respectable religious body? Mr. Fairchild's reply to the Association is a model paper, being clear, convincing, and earnest, — precisely the sort of rejoinder that an act so gross as that we have mentioned was calculated to call forth.

No one can read the work without being convinced that the author has been most unfairly treated, while admiration is excited by the heroic manner in which he has contended against "a sea of troubles," until the facts of his innocence, and of the malignity of his enemies, are placed beyond all doubt. — *Boston Daily Times*.

As would naturally be expected, the reverend author enters into a full examination and exposure of the various troubles and persecutions to which he has been subjected, and the whole is given with evident sincerity and feeling. That he has been harshly dealt with, and that he has been followed by rancorous enemies far beyond the bounds of reason, there can be no doubt, judging from what he has written ; and considering all this, he evidently owed it to himself, his friends, as well as the cause of religion, to make a public vindication of his character and conduct.

All persons desirous of obtaining a full account of Mr. Fairchild's trials, will, of course, read this interesting and convincing book. — *Boston Daily Mail*.

Mr. Fairchild's motto is "persecuted, but not forsaken." He has been a most unfortunate clergyman. Many of our readers will remember the terrible series of events which occurred some nine or ten years ago, in reference to this brother. We say *brother*, although he is an Orthodox clergyman, for all men are brethren. It is certain that he was pursued by two of his deacons at South Boston with great virulence. They conceived that they held to the perseverance of the saints ; for they persevered in persecuting him beyond all proper bounds. Our own view of the matter we published long ago. All the facts the world will ever get are now out. If Mr. Fairchild is guilty, he has been punished enough ; and if innocent, he has suffered enough. But it will all be for his good. — *Trumpet*.

It may be very Orthodox to exhibit towards a supposed erring brother the vengeance that is never satisfied until its victim is irretrievably ruined ; but the policy that dictates it is completely infernal, and reminds every decent man that there are actions committed in the name and for the glory of God, that the devil himself would be ashamed to acknowledge. Even if guilty, Mr. Fairchild has been most severely punished ; and as there should be a limit to retribution, and an opportunity given him to recover himself, it is mere vindictiveness to pursue him any further ; but such conduct becomes doubly reprehensible when it is remembered that a jury acquitted him of the crime with which he was charged. His clerical persecutors should bear in mind that they are not by any means infallible, and that the mercy they deny to him they may perhaps need some day for themselves. — *Boston Investigator*.

The incidents of this volume are indeed "stranger than fiction," and though we have never been personally involved in the controversy to which some of it relates, yet we are free to say that we have read the volume with attention and interest, and that it has served to strengthen a conviction which we had formed from previous knowledge of the case, that the facts pertaining to his history, and here narrated with apparent fidelity, must be either true or false ; if true, in any considerable degree, he has

been abused ; and if untrue in any essential respects, the error should be exposed and corrected by testimony the most reliable, both for the peace of individuals and churches, and for the honor of Christ and religion, and an end should be put to this discussion.

If he erred, as he admits, through fear in paying hush money, when he should have stood upon his integrity and his faith in God, this volume certainly evinces subsequent evidence of rare boldness and ability in self-defence, and teaches lessons of great practical moment and of universal application. Having been acquitted by a jury, on whose verdict the decision of the council condemning him depended, we see not how he can be accounted and treated as a criminal on any principle that will secure to other citizens their good name. We trust that all who have either read or reflected on the subject will give it a candid perusal. This will insure for it an extensive sale, and aid in the erection of a sanctuary for the Payson church, to the completion of which the avails are to be sacredly devoted.  
— *The Happy Home*.

We shall make no criticisms upon the book, neither shall we give any particular account of its contents. We only say we have read it with far greater interest than we anticipated when we commenced it, and that whatever may have been our former convictions, we are now constrained to say that this story has left the impression on our mind of the author's entire innocence of the charges brought against him. It seems to us, in spite of our prepossessions, that he has been made the victim of a suffering the like of which is not found in the annals of clerical wrongs in this Protestant land. A class of painful reflections crowded upon our mind as we passed along through the volume ; but we suppress their utterance.  
— *Congregational Journal, Concord, N. H.*

Mr. Fairchild, of South Boston, has just published, in book form, some of the remarkable incidents of his life. No one can arise from a candid perusal thereof, without a stronger conviction than ever that the author is one of the most innocent and most injured of men. — *Middlesex Journal*.

This is one of the most remarkable literary productions of the age. The romance of truth could not possibly have a more wonderful exposition ; for that its details are true, the very ingenuousness of the narrative bears satisfactory internal testimony.

To attempt any epitome of the history of the persecutions experienced by Mr. Fairchild, during a long series of years, would occupy too much space, therefore we can only glance at their general aspect. They demonstrate an amount of vindictiveness unparalleled in the history of "man's inhumanity to man," — an absence of charity disgraceful to the Christian character, — an abnegation of social justice and the claims of individual rights on the part of the persecutors, which even the records of the civil

church (which are seldom characterized by tolerance or mercy) cannot furnish more disgraceful examples. How the men who lent themselves to the mean instrumentality of a brother's ruin, can hold up their heads before high heaven, and rank themselves in the category of humanity, we cannot conceive.

Mr. Fairchild, in his persecutions, has borne many martyrdoms ; but in his triumph over his enemies, and his full exoneration from every criminal imputation imposed upon him, has gained a victory as transcendent as the defeat of his unprincipled foes is ignoble. No one can read his history without sympathy, and lay it down with a lingering shadow of belief that, for a moment, any feature of his conduct through life ever exposed him to the merciless persecutions he has sustained. Even those whose prejudices against him had been fed by the belief that his traducers were men incapable of such demonism as their conduct, as narrated in the "Incidents," shows them to have entertained, have confessed to a total overturning of their opinions after reading the book. We hope that many will patronize this work, as, apart from its inherent interest, and the opportunity it furnishes the public to set their minds aright upon a question in regard to which much uncharitableness has been propagated, its profits are to be applied to the erection of a church for Mr. Fairchild, in South Boston, where he has many admiring friends, whose numbers increase every day, and which building, through his personal energy, is in process of being erected. — *New Hampshire Patriot*.

---

Several communications have been sent to different papers by correspondents, the following extracts from some of which may interest the reader : —

(*To the Editor of the Daily Bee.*)

MR. EDITOR, — Will you allow a reader of Rev. Mr. Fairchild's book to express a few thoughts relating thereto, in the columns of your paper ? The writer has carefully read said volume, and rises from its perusal with mingled emotions of indignation and shame. *Indignation*, that men so reckless of consequences, having so little regard for the feelings of a fellow man, occupy a place of respectability in society. And *shame*, that ministers of the gospel lend their influence to such high-handed cruelty (yes, cruelty ! I can call it nothing less), and even excel infidels in efforts to destroy a brother. I do not wonder that the foes of the Church point deridingly to her members, and turn away to their infidelity, when some pastors seem to vie with each other in attempts to destroy a fellow preacher. I wonder that infidels are not more numerous than they appear to be. There are facts recorded in this volume, revealing the cruel conduct of certain Orthodox clergymen toward Mr. F., which render the foregoing remarks justifiable. The rankest infidel would scorn to deal in such Jesuitical and cruel ways with the meanest mortal.

I hate slavery : —

"I would not have a slave to till my ground,  
To carry me, to fan me while I sleep,  
And tremble when I wake, for all the wealth  
That sinews, bought and sold, have ever earned."

But that slavery which crushes manhood out of negroes is not the only form of heartless *oppression*. Indeed, it is not the worst form. I would rather, a thousand fold, be reduced to slavery, and wear its galling chains, than to be robbed of *character* — that better boon than life itself — and see my wife and children weep, and pine, and die, under the cruel torture. And yet Mr. F. is clearly the victim of such oppression. Such a case of *Northern* oppression I never read of before.

I have read the "South-Side View of Slavery," and wondered that a Christian minister could pen such an apology for that wicked institution. But since I have read Mr. Fairchild's "Remarkable Incidents," I no longer wonder. The spirit that can pursue a brother minister with such merciless endeavor would, in other circumstances, drive a gang of slaves.

I would say much more ; but I refer the reader to the book itself.

ORTHODOX CLERGYMAN.

(For the Mail.)

MR. EDITOR, — Your recent notice of Mr. Fairchild's book of "Remarkable Incidents," induced me to give it a careful perusal. And you will permit me to say, that I never read a more triumphant vindication of one's self, than is contained in the pages of that book. Mr. Fairchild not only clearly shows that his enemies have utterly failed to prove him guilty, but he has proved to a demonstration his entire innocence. And in what a sad predicament has he placed his chief opponent ! He has shown him to have been guilty of such mean and contemptible transactions as might well cause the devil himself to blush for very shame.

MEDICUS.

(To the Editor of the Boston Courier.)

I have just completed the careful perusal of the work recently published by Rev. Mr. Fairchild, and confess that I have been pleased, vexed, and disappointed.

I have been pleased with the candid, liberal, and Christian spirit breathed in all the pages of his vindication ; I have been vexed at the intolerance, the want of Christian candor, and the apparent fixedness of intention to ruin the man selected by his enemies as their victim ; I have been disappointed, that men professing to rank so high in holiness and in the church are not able to back up their charges with reasons and arguments more convincing in their nature.

The reading of this book confirms my belief in several facts : —

1st. That the Rev. Mr. Fairchild is "the best abused man in America,"

and has, in the mind of every candid reader, exculpated himself from the charges which have been brought against him.

2d. That the Almighty seems to have taken a special supervision of his affairs, inasmuch as circumstances have transpired to place Mr. Fairchild in seasonable possession of every plot devised for his ruin, so that he has been able to meet them, and defend himself against their diabolical intents.

3d. That Mr. Fairchild has done, and *successfully* done, what neither logic, law, nor divinity required of him, namely, to *prove a negative*; for while his Christian accusers have failed to prove him guilty, he has successfully established his own innocence.

4th. That his book should be read by all who believe him guilty, that they may see his innocence; by all who are in doubt, that their doubts may be removed; by all who believe him innocent, that their faith may be confirmed; and by all who care nothing at all about it, in order that they may be able to form and express an opinion.

5th. That the motto inscribed upon his book, in glaring capitals, should be "*Magna est Veritas et prevalebit*," as this motto has been most faithfully and fully illustrated.

Now permit me, in conclusion, Mr. Editor, to ask two questions:—

As his reverend and Christian accusers have failed to establish Mr Fairchild's guilt, will they cease their persecution and let him alone?

Can such persons escape the castigation of that great controller of public sentiment, the *public press*, if they continue to persecute a man of whose innocence the same press has made public declaration?

ARISTOPHANES.

(For the Herald.)

MR. EDITOR, — The subscriber craves a small space in your paper for a few words respecting the Rev. Mr. Fairchild's remarkable book. When I read your notice of it, I thought that you had expressed your views and feelings in terms more harsh and scathing than the facts in the case would justify. Your notice, however, led me to give the book a thorough and critical examination; and I had not read far before I became fully convinced that the terms of withering and burning indignation employed in your notice were not at all extravagant, but just such as the occasion called for. Before I commenced reading the book, I thought I knew something about the merits of the case, but I soon found that I knew comparatively nothing. My opinion, so far as I had any, was unfavorable to Mr. Fairchild. The reading of the book, however, has opened my eyes; and the result is a thorough conviction of his entire innocence, and an abhorrence of his malicious persecutors. And I feel truly grateful to you for the bold and fearless manner in which you gave utterance to your sentiments. And I now wait to see what course will be taken by those of my clerical brethren who are so deeply involved in the shameful and wicked transac-

tions disclosed in that volume. It will be bad for them to remain silent. It will be far worse to make any apology or excuse for such conduct. And if they attempt to refute the statements and arguments of the book, they will soon find an Herculean task before them. And to think of escaping the public indignation by throwing off the responsibility from one to another, will be an unavailing as well as a disgraceful subterfuge. In my judgment, there is but one way for them to regain their former hold on the confidence of the public, and that is, *by confessing their error, and making all the reparation in their power for the wrongs they have done.* The people may then begin to think that clergymen intend to *practise* as well as *preach* the precepts of religion. It remains to be seen whether they will do what is so plainly required of them, not only by the gospel, but by honor and honesty.

#### A COUNTRY PASTOR.

The following is a communication from the Boston correspondent of the Christian Mirror, published at Portland :—

REV. MR. FAIRCHILD. — There never was a case, probably, where the real facts were so long kept from the people by designing men and unavoidable circumstances. This volume is a collection of *facts*—things proved in court and elsewhere—brought together in their order as they relate to the author's case, and hence the reader will find here a reliable history of the whole affair. It is written in a good spirit, and bears upon its face the evidence that it was written by one who has been much injured and persecuted. The volume contains much that bears upon questions of Congregationalism, its principles and rights, and hence is a good reference book to be placed in the pastor's library. Those parts of the volume relating to these knotty points of Congregational Order are from different able pens. The volume being "stranger than fiction," is of course attractive, and almost bewitching. Every minister ought to read it as an act of Christian duty and charity, if for no other reason.

From a correspondent of the Congregational Herald, Chicago, Ill. :—

Mr. Fairchild is the clergyman of our denomination whose troubles have been widely known ; and this volume contains the whole history of the affair, presented in documents and statistics which cannot lie, all showing that he has been one of the most persecuted men that ever lived. He has fought a battle, in some respects, for the clergy of the Union. The volume is irrefutable, because it deals in things which are proved by handwritings and courts. His case is a remarkable illustration of the workings of Divine Providence. Every minister ought to read this book, in order to make up his mind advisedly on the subject.

From a correspondent of the Cincinnati Herald, Ohio :—

This volume relates to the difficulties of Mr. Fairchild, which have

caused much to be said and written for the last ten years. It is a thrilling record of facts, and, I doubt not, will be extensively circulated. No person who begins to read it will stop until he gets through. Mr. Fairchild has been greatly abused and persecuted, and this volume ought to be read as a matter of charity both by clergymen and laymen.

*(From the South Boston Gazette.)*

The book under notice is one of those extraordinary compilations of facts which forcibly illustrate the oft-repeated observation that "truth is more strange than fiction." It is indeed a magazine of striking incidents, out of which any ingenious novel-wright might draw ample material for the construction of half a dozen volumes of attractive narratives, all founded upon events that have actually transpired within the current age. In short, it is a practical exposition of numerous romantic prodigies, such as, when occurring in real life, become far more impressive and instructive than the finest woven fabrications of mere fancy.

The retail price of the volume is one dollar and twenty-five cents. Its postage to any distance not exceeding three thousand miles, is twenty four cents. If any person within this distance wishes for the book, and will send the author a letter inclosing one dollar and eight postage stamps, the volume shall be forwarded to him by mail without delay, and at the risk of the author, or to any friend whose name and address he will mention.

### THIRD EDITION.

---

To this edition I did think of appending other notices of the press from the Evening Transcript, Saturday Evening Gazette, Olive Branch, Bay State, True American, and the New York Daily Times. But as all these papers speak of the work in much the same strain as the preceding, I will not tax the reader's time in perusing them. One brief extract from the New York Times of December 26, 1855, will suffice. The editor, in speaking of the action of the Suffolk South Association, says:—

“Last March that body rescinded all votes upon its records, in regard to Mr. Fairchild's character and exclusion — but coupled this *amende* with a resolution that it was inexpedient that his connection with the association should be continued, and that ‘the same is hereby terminated.’ This proceeding is only matched by that of the Irish jury, whose verdict was, ‘not guilty; and we recommend him not to do it again.’ Here is an association acquitting a man, and yet inflicting punishment as if he were guilty.”

There is one notice, and, to my knowledge, one only, which takes a different view of the work. This notice appeared in the Religious Herald of January 25, 1856, published at Hartford, Connecticut, and came from the pen of Rev. William W. Patton, who was a member of the Suffolk South Association at the time of my expulsion from that body, who signed the remonstrance of Dr. Adams against my installation over the Payson Church, and whose name and doings are so prominent in the book. It is just such a notice as any one would

naturally expect from such a source, after having read the three last pages of the fourteenth chapter. The other gentlemen so deeply implicated have hitherto remained silent. A friend at my side having heard the notice, made this remark,—"Mr. Patton, after reading your book, knew not what to say, and therefore said, *he knew not what.*" He concludes his notice with these words,— "We wish that some decisive counter evidence might come to light to remove doubt, and restore Mr. Fairchild to his former position in the confidence of the ministry and churches."

To gratify the wishes of Mr. Patton as here expressed, and the wishes of those in sympathy with him, I will state the fact, that since the rendering of the verdict of my acquittal in the civil court, and my subsequent installation over the Payson Church, I have preached one hundred and thirty-four sermons in thirty-three different pulpits of my own denomination, either by exchange or invitation of thirty-five pastors. Sixteen clergymen of the denomination, having no pastoral charge at the time, have preached in my pulpit. Eleven clergymen of other denominations have either exchanged with me, or preached for me, as an act of sympathy and confidence, and I have preached in their pulpits eighteen sermons. I have had invitations to occupy nine pulpits of our own and other denominations, which it was not convenient for me to accept. Twenty-two churches of the denomination have recommended members to fellowship in my present church, by letters in the usual form.

I would further state, that since the publication of my book, I have received very many letters from gentlemen of the highest standing in church and State, expressing not only their sympathy, but their firm belief in my entire innocence of the crimes charged upon me, and that my vindication is most triumphant and complete. I would here quote certain expressions from these letters, did I not fear exposing myself to the charge of self-commendation. And perhaps my readers will think that I ought to apologize for what I have already said. Therefore I would say to them in the words of Paul,— "Bear with me a little in my folly and in this confidence of boasting; and indeed bear with me, for necessity is upon me."

J. H. FAIRCHILD.

*South Boston, April, 1856.*

## INDEX.

---

- ACQUITTAL, 81 ; shout at, 82.  
Allen, Rev. George, letter to Dr. Edward Beecher, 179.  
Appeal to members of Exeter Council, 400.  
Arm in arm, Rhoda and Mr. Riddel, 47, 59.  
Association, clerical, no judicial power, 208, 252 ; Suffolk, South, rescind their libellous preamble and vote, 390.  
Beecher, Rev. Dr. E., statement of, reviewed, 207.  
Bouton, Rev. Dr., letter of, 118.  
Bribery, thrice resorted to, Rhoda, 38, 42 ; Mrs. Brown, 43 ; Dr. Cooper, 352.  
Buddington, Rev. Mr., testimony of, 205.  
Burgess, Rev. Dr. Ebenezer, statement of, 186 ; no money paid by, 351 ; testimony of, 152, 275.  
Church, Payson, instituted, 93 ; Mr. Fairchild invited, 94 ; first sermon, 98 ; pastor installed, 109 ; contribution of, not acknowledged, 425.  
Certificate by Rev. Dr. French, 91.  
Choate, Hon. Rufus, professional advice of, and correspondence with, 196, 201.  
Clifford, Governor, his argument, 239.  
Codman, Rev. Dr., note from, 86.  
Committee of Suffolk South Association in Council at Exeter, 30, 33.  
Cogswell, Rev. Dr. William, letter of, 186.  
"Correspondence with Notes," 132.  
Council, Exeter, result of, 53 ; installing, resolve of, 108.  
Crimes, solemnly denied, 5, 58, 81, 124.  
Deacons, alienated, 4, 7, 14 ; remonstrance of, 40.  
Delirium, 23, 277, 307.  
Disease, infamous, falsely charged, 52.  
Dodge, Mr. John, testimony of, 69.  
Drake, Deacon Jeremy, letter of, to Rev. Dr. Sheldon, 161 ; to Dr. George Hayward, 170.  
French, Rev. Dr., letter of, 114.  
Gilbert, Rev. Dr., testimony of, 272.  
Hunting, Mr. Reuben and wife, suspended, 319 ; excluded, 353.  
Hush money, often paid, not wisely, 6, 404.  
Indictment, how obtained, 26.

- Inferences, 410.  
 "Iniquity Unfolded," 66.  
 Jackson, Hon. William, letter of, 373, 427.  
 Jewett, Mrs., deposition of, 146.  
 Law Reporter, 290.  
 Letter Missive, calling an ex parte Council, 320.  
 Letters, anonymous, some to Exeter, 13 ; others, 233 ; writer found, 233  
     fac-simile, 234.  
 Marblehead, letter from, by Dr. Adams, 49.  
 "Medical Fact," filthy pamphlet, 167 ; whose, 168, 269.  
 Monomania, 190.  
 Patton, Rev. William W., letter of, 157.  
 Payson Church, protests of, 321, 325.  
 Perjury, attested, 189.  
 Phillips Church, prospered under Mr. Fairchild, 10.  
 Pittston letters, 144.  
 Preamble and vote of Association, false and libellous, 66, 194 ; unknown  
     to Mr. Fairchild for four years, 175 ; rescinded, 390.  
 Privilege, clerical, discourse on, 300 ; extracts from, 305.  
 Providence confessed, 413.  
 Richards, Rev. Dr. John, letter of, 117.  
 Reference, Committee of, 18.  
 Referees, award of, reviewed, 290, 305.  
 Remarks on the doings of Exeter Council, 33.  
 Remonstrance of Dr. Adams, 105 ; reply to, 110 ; review of, 113, 125.  
 Riddel, Rev. Samuel H., letter of, 59.  
 Shailer, Rev. William H., duped, 36.  
 Storrs, Rev. Dr., letter of, 124 ; addressed, 403.  
 Tappan, Rev. William B., lines of, 111.  
 "Truth Revealed," anonymous pamphlet, 88.  
 Vinton, Deacon Josiah, acknowledgment of, 41.  
 Vinson, Colonel Thomas M., testimony of, 151, 272.  
 Walton, Mr. Calvin, quoted, 94, 225 ; ironical charge of, 229.  
 Webster, Hon. Daniel, professional advice of, 195.  
 Woods, Rev. Dr., thanks to him, 399 ; letter of, 289 ; sermon, 109 ; urged  
     not to preach at South Boston, 400.  
 Washburn, Judge, declaration of, 428.  
 Winslow, Rev. Hubbard, testimony of, 152, 271.











3 2044 029 888 237

